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REAUTHORIZATION OF THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT INSTITUTE OF MUSEUM SERVICES

HEARING

BEFORE THE

SUBCOMMITTEE ON
EDUCATION, ARTS AND HUMANITIES

OF THE

COMMITTEE ON
LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

EXAMINING PROPOSED LEGISLATION AUTHORIZING FUNDS FOR THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES, FOCUSING ON THE INSTITUTE OF MUSEUM SERVICES

MARCH 23, 29, APRIL 5, AND 27, 1990

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REAUTHORIZATION OF THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT INSTITUTE OF MUSEUM SERVICES

FRIDAY, MARCH 23, 1990

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES, OF THE
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:02 a.m., in room SD-430, Dirksen Senate Office Building, Senator Claiborne Pell (chairman of the subcommittee) presiding.

Present: Senators Pell and Simon.

OPENING STATEMENT OF SENATOR PELL

Senator PELL. The Subcommittee on Education, Arts and Humanities will come to order. I thought it would be a good idea if we start on time.

Today is a significant day because it marks the beginning of a series of hearings on the Reauthorization of the National Foundation of the Arts and Humanities Act of 1965, which now includes the authorization of three separate agencies: The NEA, the NEH, and the Institute of Museum Services.

It has been 5 years since our last in-depth look at these agencies and a lot has happened during this period to affect the activities of these cultural programs.

A new administration is in place, bringing with it a change in leadership at the Arts Endowment and the Institute for Museum Services. There have been program shifts and changes in budget priorities, and above all, there are new and disturbing external forces at play that are questioning not only the content of these programs but, in some cases, the very existence of an agency.

We will be taking a thorough look at these and other issues that have been raised throughout these last 5 years.

I cannot help but feel some pride as we begin this series of hearings on three agencies that mean so much on a personal level. I was the chief Senate sponsor of each one and each has been nurtured through the years by this subcommittee which I have had the good fortune to chair for many years.

I care very much about the health and usefulness of the Endowments and the Institute. Are they performing as we intended them to do? Are they spending the taxpayers' money as responsibly as possible? Is it possible to do a little bit more within the confines of a tight economy?

These are some of the questions that will be asked in the next few weeks. Today, the focus is on the Institute of Museum Services, which has been supporting our national museum community with operating grants since 1978. The Institute has established an exemplary track record over these last 12 years. The General Operating Support grants, and the Conservation Grant Program have provided the resources for museums to maintain and improve their services to the public as well as to provide needed care for items in their collections.

I would like to explore these programs today with all of our witnesses.

In the first panel, I welcome Mrs. Daphne Wood Murray, the Director of the Institute; Dr. Willard Boyd, the Chairman of the National Museum Services Board and President of Chicago's Field Museum.

First, Ms. Murray should lead off and if you would introduce your colleagues, too?

STATEMENTS OF DAPHNE WOOD MURRAY, DIRECTOR, INSTITUTE OF MUSEUM SERVICES, WASHINGTON, DC.; ACCOMPANIED BY REBECCA DANVERS, PROGRAM DIRECTOR; MAME BITTNER, CONGRESSIONAL LIAISON; AND WILLIAM L. BOYD, CHAIRMAN, NATIONAL MUSEUM SERVICES BOARD, PRESIDENT, FIELD MUSEUM OF NATURAL HISTORY, CHICAGO, IL

Ms. MURRAY. Thank you, very much, Senator Pell.

In the interest of time, I will submit my statement for the record.

Senator PELL. It will be submitted in full.

Ms. MURRAY. I would like to introduce, to my right, Dr. Rebecca Danvers, who is the head of our program office, and the Director of the program. Next to her, Ms. Mamie Bittner, who is our Congressional Liaison.

I appreciate the opportunity to appear before you today to discuss the reauthorization of the Institute of Museum Services. As a member of the museum community for the past 23 years, I have been familiar with the Institute since its inception in 1976. This agency has a record of solid support for museum's essential services.

Since its inception, IMS has made 8,886 grants and involved thousands of museum professionals in the peer review process. I urge a 5-year reauthorization. For the future the Institute will need to continue to respond to a wide variety of needs and opportunities emerging from, and identified by the various museum disciplines in different parts of this country.

Thank you, sir.

[The prepared statement of Ms. Murray and responses to Senator Pell's questions follow:]

PREPARED STATEMENT OF MS. MURRAY

Mr. Chairman and members of the Subcommittee: I appreciate the opportunity to appear before you today to discuss the reauthorization of the Institute of Museum Services.

As a member of the museum community for the past 23 years, I have been familiar with the Institute since its inception in 1976. This agency has a record of solid support for museums' essential services. Since its inception, IMS has made 8,886 grants and involved thousands of museum professionals in the peer review process.

Our congressional mandate is to provide encouragement to virtually every kind of museum (zoos, arboretums, planetariums, history, art, children's, ethnic museums) and assist them: in their educational role; to help them conserve America's cultural, historic, and scientific heritage; and to ease the financial burden incurred as a result of increasing use by the public. The success of IMS programs has been due largely to input from our peer reviewers and policy-making National Museum Services Board (NMSB) which have provided vital channels of communication with the field we serve. The input of the National Museum Services Board and the hundreds of museum professionals who participate as peer reviewers have shaped programs that address priority needs of the broad range of museum disciplines in a cost-effective way.

One product of this on-going dialogue is a recently distributed analysis of the General Operating Support program (GOS). The bulk of IMS funding is directed toward GOS which supports museum operations. The general operating support program is a highly competitive program that provides grants equal to 10 percent of a museum's budget up to a maximum of $75,000. GOS grants are crucial, unrestricted monies which can be used for virtually all museum expenses, such as utilities and salaries.

The analysis of the General Operating Support program by the NMSB and peer reviewers looked at the distribution of funding across geographic areas, budget sizes, and disciplines; the qualifications and performance of our field and panel reviewers; the application form and the agency's outreach efforts. The report made 33 recommendations for improvements and continuation of successful procedures.

One of the major recommendations of the analysis was to contract with an independent analyst to evaluate GOS data pertaining to trends in museum operations, the impact of receiving General Operating Support, the methodology of our funding process, and the evolution of museum standards. This is the first time that such an analysis will occur and we look forward to utilizing this objective data to continue to improve our service to the museum community.

While the General Operating Support program remains the core of IMS, the last few years have seen growth in the number of programs we offer. The Conservation Project Support program, begun in 1984, has been extremely successful in assisting museums in developing long range conservation plans. Through communication with conservation professionals the priorities for this program have been streamlined. The new Conservation Assessment program, that focuses solely on support for a conservation survey, has met with an overwhelmingly positive response from the museum community.

In addition to providing general operating support to museums the IMS also administers several other programs. The Museum Assessment Programs are particularly helpful to small and emerging museums. These three, non-competitive, first-come, first-served programs provide a professional assessment and site visit of overall operations (MAP I), collections care (MAP II), and public services (MAP III, pilot 1990). These programs continue to serve primarily institutions with budgets under $200,000.

For the last two years the IMS Professional Services Program has provided cooperative agreements with professional museum organizations. Training projects in conservation practices and assessment, museum management issues workshops, and dissemination of museum initiatives are some of the projects that have benefited the museum community at large. This small program has great potential to provide unique service to our Nation's museums.

In closing, I would like to highlight the agency's outreach initiatives. The General Operating Support analysis I mentioned earlier, recommended initiatives to upgrade our communication with the field. In an effort to respond to this initiative I have focused on learning about the needs, expectations, and plans of our constituency. I have visited zoos, botanical gardens, history, art, science, anthropological and children's museums as well as aquariums and planetariums. I have met with representatives from over 40 museums from around the country in our Washington offices and, in the field—from the east coast of Florida to the west coast of California—I have visited over 35 individual museums and met with the staff members of an additional 25.

The IMS staff, who place a high priority on service to the museum community, provide individual applicant counseling, grant writing workshops, and important feedback to all candidates through their compilation of reviewers, comments and scores. I believe that the open and on-going dialogue between IMS and the community we serve has provided a solid foundation for the future of the Institute. The reauthorization of the IMS will allow us to continue to serve that community.

I think it may be useful, at this point, for me to highlight for the Committee those provisions of the draft reauthorization legislation we recently submitted to Congress, which directly affect the Institute of Museum Services. By way of overview, let me state that it is our view that the enabling legislation in its present form, works well and is in no need to substantive revision. The minor changes we propose would contribute only to "fine-tuning" this authorizing legislation.

Section 32: This section adds "conservation" to the types of resources that are to be represented by the membership of the National Museum Services Board. This addition emphasizes the importance of conservation concerns to IMS programs, the museum community and the general public.

Section 33: This amendment changes the annual minimum number of meetings required for the National Museum Services Board from four to three. It conforms the authorizing legislation to actual practice, as approved annually by the Congress in appropriations acts.

Section 34: This section removes the restriction on the salary level of the IMS Director from the enabling legislation. This section corresponds with the addition in Section 43 to amend 5 U.S.C. 5315, to add the Director of the Institute of Museum Services to level IV of the Executive Schedule for compensation purposes. This level more appropriately reflects the Director's responsibilities and role as advocate for the Nation's museums.

Section 35: This section corrects a drafting error in current law, which refers to the "Chairperson" rather than the Director.

Section 36: This section changes the reference to "artifacts and art objects" to "collections" to symbolize the importance of conserving all types of materials in the collections of the various types of museums supported by IMS. Museums eligible for IMS programs include, for example, zoos and botanical gardens, historic houses, and science and technology centers as well as art and other types of museums.

Section 37: This section eliminates two restrictions on the funding of projects to strengthen museum services. First, it removes the provisions limiting funding to professional museum associations. This change would allow IMS to fund other types of organizations which propose worthwhile projects.

Second, it removes the one-year limit on these projects. The limit prevents extending the availability of funding in cases where a project is delayed by unexpected circumstances and prevents high quality, beneficial projects from being funded if they cannot be completed in one year. The following provisions are renumbered to reflect the deletion.

Section 38: This amendment extends for five years the authorization of appropriations for all IMS programs, as well as the authorization of appropriations to match contributions to IMS. The proposal authorizes a total of $24,000,000 for FY 1991, the amount requested in the President's 1991 budget.

I believe enactment of this legislation would serve the national interest by enabling the Institute of Museum Services to continue to increase and improve museum services.

INSTITUTE OF MUSEUM SERVICES,
Washington, DC 20506, April 11, 1990.

The Honorable CLAIBORNE PELL, *Chairman,*
Subcommittee on Education, Arts and Humanities,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: I am pleased to provide a response to your questions for the official hearing record on the reauthorization of the Institute of Museum Services.

1. Question: The Institute has a relationship with the National Endowment for the Humanities, does it not? What services are supplied by the NEH and at what cost, if any, to the Institute of Museum Services?

Answer: The Institute's interagency agreement with the National Endowment for the Humanities provides the Institute with administrative services such as automated data processing, personnel, budget, accounting, contracts and procurement, audit, Equal Employment Opportunity, reproduction and printing, processing of travel authorizations, supplies and materials, and mailing services. These services are provided on a routine basis and the Institute is charged by the hour or item purchased. The annual total charge is anticipated to be $76,000 in fiscal 1990 and $79,192 in fiscal 1991.

The Institute's needs for such goods and services requires input from over 20 staff members already providing these functions for NEH, ranging from GS-3 to GS-15. Their expertise is not required full-time, yet the scope of their knowledge and service spans a great deal of breadth in all areas of our operations. The expense of separately creating, staffing, housing, and providing equipment for such positions on a full-time basis would be far in excess of what the Institute has requested or feels is currently justifiable given the current small size of our budget.

This arrangement provides great advantage in efficiency, since we are located within the same building and the NEH staff is well acquainted with our mission and needs. It is also cost-effective, since we pay on an as-needed basis. The expertise and level of service provided by NEH is excellent; and, to the best of our knowledge, the Agreement in its current configuration is acceptable with that agency as well.

2. Question: I understand that reviewers of General Operating Support applications are instructed to base their judgment on how well a museum makes use of its existing resources to fulfill identified purposes. I take this to mean that a museum's current operations are the primary focus for reviewers. How much weight, then, is given to the answer to Question No. 4 on page 50 of the application form, which asks, "How will 1990 GOS funds, if awarded, be managed to further the museum's objectives?"

Answer: The General Operating Support applicant is asked to respond to nine sections in the application: audience, collections, collections care and management, exhibits, education and research, staff and physical facilities, support, administration, and long range plans. Reviewers make comments on and assign one score to each of these nine sections. Each section is weighted equally.

This particular question is one of four questions in the section on long range plans. The weight given to this question could be said to be approximately one-fourth of the weight of the section.

GOS funds are not project grants and can be applied to the entire range of museum activities. All GOS recipients are required to submit a final report which details grant expenditures. Therefore, the museum professionals who serve as peer panel reviewers for the GOS program have recommended that the National Museum Services Board review this question when they meet on April 27, 1990.

3. Question: What percentage of applications are funded in the Conservation Project Support Program? Are these applications reviewed in the same manner as the GOS applications, i.e. by field reviewers? Now are reviewers selected for this more specialized type of support?

Answer: In the FY 89 Conservation Project Support competition 459 applications were received and 53 percent (243) were funded. These are small matching grants for all types of museum conservation projects. The Conservation Project Support applications are reviewed using a combination of field and panel review.

Applications are evaluated by reviewers who are familiar with the category of collection and type of project proposed. Reviewers are selected based on their expertise in a variety of conservation fields including: paper conservators, historic preservation architects, objects conservators, and many others.

Each application is mailed to two field reviewers for a highly technical and detailed evaluation of the project. The FY 89 competition used 72 field reviewers to evaluate the applications. Reviewers score and make comments on eight elements of the proposals and make funding recommendations.

The Conservation Project Support panel consists of 16 professionals, selected for their in-depth knowledge in a variety of conservation areas. They meet for four days, working in teams of two, to review all applications and reviewer comments and scores. They make final funding recommendations and National Museum Services Board reviews these recommendations.

All Conservation Project Support reviewers must have a minimum of three years professional experience beyond advanced training. We solicit reviewers through recommendations from previous reviewers and through professional museum and conservation associations including the American Institute for Conservation, Society for the Preservation of Natural History Collections, American Association of Zoological Parks and Aquariums, and American Association of Botanical Gardens and Arboreta.

Sincerely,

Daphne Wood Murray

Senator **Pell**. Thank you, very much, indeed.

I do not know if Dr. Boyd would want to make his statement now, and then we could have more of a dialogue.

Mr. **Boyd**. On behalf of all of us in the museum community, we want to express our gratitude to you for your inspiring this organization and your steadfast support of it through the years.

Senator **Pell**. Thank you.

Mr. **Boyd**. We feel that it is an extraordinarily important agency; a small agency working very effectively in a large field.

Never more than now, our museums are important in our society and our country, because they truly are centers of learning. They are places of continuing education for all members of the family. They are places of community development.

I think also it is clear that in a time when our society is concerned about how we relate to each other, that is to say, how we use our nonwork time—we are concerned about drugs, we are concerned about alcoholism, we are concerned about violence, and we are also concerned about how we treat each other in a pluralistic society—we believe that museums play an increasing role in this area, because we deal with such subjects.

At the Field Museum, we like to think of ourselves as a multicultural institution, as well as an institution concerned with issues of the environment.

Several weeks ago, Representative Cardiss Collins held a hearing at the Field Museum of her Oversight Subcommittee and she specifically asked the museums that were appearing, what kind of Federal support they had, and to what extent small, emerging institutions, particularly those with a different cultural tradition had access to Federal moneys?

Ms. Helen Valdez, Director of the Mexican Museum of Fine Arts, and I, both stated we felt the general operating support program of the IMS was accessible to all institutions, because we have six different budget categories which allows us specifically to address small institutions as well.

Let me just say that these general operating support grants are based on a competitive review. Unfortunately, however, we are only able to fund less than one-third of the applications that are submitted, and that is a very serious problem for us.

We have, very recently in preparing for reauthorization, had discussions about how we can meet some of the concerns of the Field, both in terms of general operating support and communication. The National Museum Services Board has discussed this and we are very pleased that Ms. Murray, with her openness and her accessibility and her enthusiasm, is taking us out to the public and to the museums so that we can hear more about what their concerns are and we can be responsive.

And in short, and in finale, I just want to say again, how grateful we are to you for all you have done for the museums of this country.

[The prepared statement of Mr. Boyd follows:]

PREPARED STATEMENT OF MR. BOYD

Mr. Chairman and Members of the Subcommittee: My name is Willard Boyd, and I am President of the Field Museum of Natural History in Chicago. I also have the privilege of serving as Chairman of the National Museum Services Board, the policy board for the Institute of Museum Services.

I greatly appreciate this opportunity to testify in support of the reauthorization of the Institute of Museum Services. All of us in the museum world applaud the members of this subcommittee and the co-sponsors of this legislation for your support of our nation's museums through the Institute of Museum Services and its programs.

Museums are major centers of life-long learning in the United States. They provide education in the sciences, humanities and the arts. Through museums and their collections, persons of all ages, all backgrounds, and all financial means have the opportunity to learn on their own about our country's culture, history, and physical environment. Museums are available to every member of the family, together or separately, to pursue their leisure time in a productive manner.

Today there is much concern in this country about how we spend our time. We have trouble spending our non-work time in productive and satisfying ways. Some of us threaten others because we are addicted to alcohol and drugs or engaged in group violence. We are increasingly hostile to each other. We avoid people who are different. We are frightened by pluralism.

Our nation's museums currently serve millions of Americans who are seeking to educate themselves and to find meaning in their lives. Museums are places for continuing education, public debate and community development. Museums help us to understand our diversity as well as our interdependence. They address issues of ethics and ecology, conflicts and conflict resolution, pluralism in America and all of the other vital concerns we face individually and together as citizens.

Museums are located everywhere in this country—in every state, in every size of community. Most American museums are private institutions which are financed by private donations and local government taxes. Museums charge no or low admission prices in order to provide access to all people seven days a week, 52 weeks a year.

The Institute of Museum Services is a small agency working effectively in a large field. In its 12 years, the agency has helped museums accomplish much programmatically. IMS is a model of efficiency in making grants with an exceedingly small staff. Moreover, IMS reviews annually a comprehensive statistical profile of how its funds have been applied.

The essence of the Institute of Museum Services programs is general operational support for museums which merit support. The IMS budget allows funding for less than one-third of the museums which request general operating support. While it is our objective to grant awards that support approximately 10 percent of a museums's operating budget, our funds allow us to do this only for museums with an operating budget of $750,000 and below. Museums with a higher operating budget are limited to grants of $75,000 a year.

It is important to emphasize that general operating support grants are made annually on a competitive basis. General Operating Support grants are awarded on the basis an evaluation of all activities of the museum, not just a specific program or project.

General operating support is vital to museums. Museum buildings are open most days of the year. Their physical plants are expensive to heat, cool, light, clean and secure. Such basic costs do not appeal to many private donors, especially corporations and foundations which by charter must focus on particular projects which carry out their missions.

The General Operating Support program of the Institute of Museum Services has made a big difference for all of the museums which have received this support in the last 12 years. Now, more than ever, that program can play an even more vital role in the strengthening of museums throughout the country.

Applications are sorted into six funding categories based on the budget size of museums—this guarantees access to GOS by small and emerging museums, museums of diverse cultural traditions, and museums located in sparsely settled places. All are eligible to receive funding under the GOS. Ultimately, funding for small and emerging museums, as well as for those with larger budgets, is based on the merits of its overall operation.

In a recent hearing held by the Subcommittee on Government Activities and Transportation of the Committee on Government Operations, museums in the Chicago area were asked by Representative Cardiss Collins about the accessibility of federal grants for small museums and for museums of different cultural traditions. Both Ms. Helen Valdez, director of the Mexican Museum of Fine Arts in Chicago and I spoke specifically to the fact that the federal operating support grant of IMS assures access based on merit.

Furthermore, the four Museum Assessment Programs funded by the Institute of Museum Services are specifically designed to assist emerging museums. Mrs. Murray has already mentioned these assessment programs and their focus on overall museum operations, collections care, public services and conservation.

In conclusion, I want to comment about the museum field's concerns about how the Institute of Museum Services functions. To prepare for reauthorization, Mrs. Murray's predecessor, Mrs. Lois Burke Shepard, convened an ad hoc group of museum professionals chaired by former NMSB Chairman, Douglas Dillon, to consider these issues. Prior to the meeting of that ad hoc group, the museum field was asked to submit written comments which were then reviewed by the ad hoc group along with their own comments. The recommendations of the ad hoc committee were subsequently reviewed by the National Museum Services Board. As a result of these comments on reauthorization, the Museum Services Board undertook an eight-month administrative self-study of the General Operating Support Program and an assessment of how the Institute of Museum Services can communicate more effectively with the field.

The recommendations of that self-study are being implemented by our new director, Daphne Murray. Also, in preparation for reauthorization, she has been actively meeting with museum groups around the country and taking the pulse as to how the field believes we can improve the administrative processes of the Agency. Her long museum experience, coupled with her openness, accessibility and enthusiasm, ensure an even more significant role for IMS in working to help American museums move forward.

I want again to express our appreciation to this committee and to urge reauthorization for five years the Institute of Museum Services, an agency which is committed to advancing America's diverse museums for the day-to-day benefit of our diverse citizenry.

Senator PELL. Thank you for your kind thoughts and words.

I look forward to providing whatever help I can to the museum community.

There are questions I will ask now, and then others for the record, so that we can establish a thorough record for when the budget and the authorization is considered on the floor.

But I would like to ask this question of the two of you.

The present application form for the General Operating Support Grant is long and complicated. Is there any thought being given to shortening it and simplifying it, Ms. Murray?

Ms. MURRAY. Senator Pell, at this moment we have a general operating support panel convened in Washington—a meeting of 13 people from the field. Among other things they are addressing the application form. As you know, all of our programs tend to involve museum professionals, themselves. It is they who make the determination on how to make this application as easy as possible for them.

Senator PELL. Dr. Boyd.

Mr. BOYD. As a matter of fact, all yesterday afternoon we were debating this issue and the thing we are very worried about is that every time the Federal Government simplifies a form it becomes more complex, and that was uppermost in our mind and we are going to take it slowly on this one.

We, however, feel that this is also a good opportunity for a museum to look at itself, in a kind of self-study mode. But along the lines I also mentioned specifically about small and emerging institutions, we spent the day before yesterday, the whole afternoon discussing how we could reach them more effectively—that is museums in sparsely settled parts of this country, as well as in urban areas of different traditions.

That may be something we will be addressing more specifically and that has implications for the application form, as well.

Senator **Pell**. Do you think we would do better if more grants were provided in smaller amounts?

I have often heard the comment made that IMS provides important help, but maybe more institutions should be helped, even if the grants are smaller.

What would be your reaction?

Ms. **Murray**. As you know, all of our grants are given really to provide museums with the ability to make an institution-wide, comprehensive assessment of their museum. And, to this end, the MAP and the CAP programs, which are museum assessments are geared toward the small, emerging museums.

Of these, 31 percent have budgets of under $200,000.

Senator **Pell**. What would be the size of the average grant that you give to a museum?

Ms. **Murray**. We know this year that the average museum that actually applies to us has a budget of $1.6 million, so we are talking a fairly large museum. As you know, our maximum allowable, under general operating support, is $75,000.

Senator **Pell**. Right, but what is your average grant that you give; your average grant then is less than $75,000?

Ms. **Murray**. Yes, it is.

It is $45,000 this year, sir.

Senator **Pell**. OK, $45,000, and how many institutions benefit from it each year?

Ms. **Murray**. This year, we funded 28.5 percent of the museums that are applying, which is 390 out of 1,385.

Senator **Pell**. I congratulate you on your mastery of those figures.

The question I have is, would we do better to have a smaller average grant, $40,000 or $35,000, and more institutions benefiting by it?

Ms. **Murray**. This was answered under our general operating support paper, which was mailed to over 6,000 museums this year. And the recommendation from the paper was that no, we do not lower the amounts that we are providing.

Senator **Pell**. Dr. Boyd, what would be your reaction?

Mr. **Boyd**. Well, I do not know to what extent I am encumbered from saying what I want to say on this subject, but we need more funding. Because roughly there are 6,500 museums listed in the AAM museum directory and we send out 4,500 forms to museums. We have received for this year, 1,368 applications and we think we will be able to fund 387.

We are at a point where the problem is really a need for increased appropriations because we are covering these museums very effectively—but the problem is not one now of making the grants smaller, in my judgment.

And I think that is the judgment in the field.

Senator **Pell**. I concur and I wish that there was more funding. I think it is unlikely, however. We will do our best but we have to plan with what we have.

Mr. **Boyd**. We are—and let me say that this leaves us with many problems because I would say off-hand that 90 percent of those applicants are what we would call, good museums, all really doing good work.

Ms. MURRAY. Senator Pell, excuse me, we have found that from 1989 to 1990 the budget increase amongst our museums was 16 percent, which is supportable of the idea that museums are growing.

Senator PELL. Right.

How are your application reviewers selected? Are they paid about the same per diems as the NEA and the NEH reviewers?

Just fill me in a bit, if you would, on that?

Ms. MURRAY. Well, our reviewers are in the field, as the term indicates. In the pool for the general operating support applications, we have 400-plus this year. We had 420 last year and this year we have 472. And they review 12 applications in the field.

Ones that have a problem are returned to the panel that we referred to this morning that is now meeting in Washington, which has 13 reviewers on it. As for their compensation, I do not know the amount of compensation at the National Endowment for the Arts or the Humanities, but the actual compensation, the per diem is the government rate.

Senator PELL. I am sorry.

Ms. MURRAY. It is the government rate.

Senator PELL. I should know, but what is the government rate?

Ms. DANVERS. In Washington, DC, it is $127 a day.

Senator PELL. Right, and then the selection of the panelists, how are they actually selected?

Ms. MURRAY. They are selected through meetings we have across the country. Seventy percent of these reviewers have high positions in museums and have been in museums, as a professional, for at least 10 years. We really recruit them.

And then they submit resumes to us. Our pool right now is 1,200-plus, of which, as I said earlier, we are going to use 470 this year.

Senator PELL. Are they all out of the museum disciplines?

Ms. MURRAY. Yes, they are museum professionals.

Senator PELL. They are all professionals?

Ms. MURRAY. They must be.

Senator PELL. This is maybe a little off the subject, but it has bothered me. How do you account for the fact that an average salary of a museum professional is substantially less than his opposite member who is in the teaching profession?

Ms. MURRAY. I cannot account for it.

Mr. BOYD. Well, I can account for that. And I feel very strongly. My life was spent in higher education so in many ways I am not a museum professional, but an educator.

And I have never worried about the financing of anything as much as I have worried about how to fund the Field Museum and the Field Museum is considered to be a fairly well put together museum in terms of longevity and support.

But basically we do not have tuition for example, to help support our activities. We have a very low admission, or no admission at the doors of museums. And so the whole financing structures of museums are very jerry-built, in my judgment, and that accounts for it. There is a very great gap between those two kinds of institutions.

Senator PELL. OK. Senator Simon.

Senator SIMON. Thank you, Mr. Chairman.

Let me just add a couple of questions. I am pleased to see Dr. Boyd from the Field Museum here.

In Illinois, last year, we had 44 museums that received grants, and I am very pleased with that, considering not too many years ago we were struggling just to keep the Institute of Museum Services alive.

But I also remember, Dr. Boyd, your predecessor taking me through some of the back rooms of the museum and telling me that you were losing much of what you have just through gradual disintegration. You just did not have the money to preserve everything as you should.

Now, I think it is great to have these 44 museums helped, but specifically, to what extent, is the Field Museum receiving help from the Institute?

Mr. BOYD. We receive help from the Institute basically in two ways. We do this on a competitive basis in both instances; both for general operating support, which if we are successful, would result in a maximum award of $75,000 for a given year. The other would be in the conservation field where IMS now has a new, albeit small, conservation program, where we would be able to go forward and receive a grant, again on a competitive basis. That program is about $2.5 million, if I understand it, for the entire agency and about $17 million for our general operating support to be spread across the Nation.

[The prepared statement of Senator Simon follows:]

PREPARED STATEMENT OF SENATOR SIMON

Senator SIMON. Mr. Chairman, I am here today in support of the Institute of Museum Services (IMS). I would also like to offer a warm welcome to Willard Boyd, chairman of the IMS Board and president of the Field Museum of Natural History located in Chicago, IL.

I am sure we all would agree on the importance of museums to our culture and society. They contribute greatly to our understanding of our history and ourselves, and they allow us to share our diverse and unique culture with each other and the world.

IMS provides general operating support services, conservation care and management services, and conservation assessment services to all types of museums through grant awards. IMS has awarded 8886 grants since its inception in 1976, and has provided needed assistance to museums throughout our great nation.

In 1989, 44 museums in Illinois were awarded IMS grants. One award was received by Ellwood House Museum in DeKalb, IL. I am sure that many of you have never heard of this museum, but it is one of many smaller institutions across our country preserving and providing access to our cultural heritage. The museum received an extremely important and necessary General Operating Support grant totaling $8,000. For many of our larger museums, this grant wouldn't pay for much of anything; however, for museums across the country like Ellwood House, this award is a salient part of their budgets. Gerald Brauer, executive director of Ellwood House Museum, was able to hire two part-time museum educators, Annette Johns and Dan Meharg. They brought to life two characters of the House's past and took the dramatizations to area schools. Many children think that history classes are extremely dull and uninteresting. The museum and the museum educators were able to draw the children into an exciting and interesting history lesson, encouraging the children to inquire and learn about their past. Mr. Chairman, without the IMS this educational experience wouldn't have been possible.

As I have said before, museums are powerful educational tools. They not only entertain, but stimulate curiosity and questions, which in turn promotes learning. At the Museum of Science and Industry, just one of Illinois' outstanding museums, more than 390,000 children in organized groups view and learn about innovative technology and history through exhibits such as the newly opened exhibit on the brain and learning disabilities. The museum's role as educator should not be overlooked.

In addition, museums allow us to communicate with one another, not just through words, but through the common experience of being American. Museums reflect the cultural content that we all share. They provide visual and tangible links to our past, present, and future. Last year, I introduced the National African-American Heritage Memorial Museum Act. This legislation would give national and international permanence to the presentation and preservation of the culture and history of African-Americans—a permanence that is currently lacking.

Mr. Chairman, museums are currently threatened by financial stress caused by new tax laws and inflated auction prices. The IMS grant awards help to alleviate some of the problems modern museums are facing, allowing them to continue their role of educating, entertaining, preserving, and presenting our great nation's history. I hope my colleagues support the reauthorization of the Institute for Museum Services.

IMS Facts: General Operating Support Program

Provides competitive grants to museums for operations. Funds are awarded on a competitive peer review process, which focuses on the extent to which museums effectively use available resources.

Illinois: For 1989—56 total applications, 21 received grants

Conservation Project Support—Provides matching grants to museums for projects to conserve the museum's collections. Funds are competitive and generally do not exceed $25,000.

Illinois: For 1989—20 total applications, 15 received grants

Museum Assessment Program—Funds an overall assessment of a museum's operations, or of it's collection related policies and procedures. An additional component is now being developed to provide assessments of the public dimension of the museum's operations. Awards are made on a first-come first-served basis.

Illinois: For 1989—8 were serve

This past year, how much of the conservation fund did you receive?

Mr. BOYD. I am going to have to look. In our case it was $24,973.

Senator SIMON. And assuming you got the $75,000——

Mr. BOYD. Yes.

Senator SIMON. So basically it is about $100,000 out of a budget of how much?

Mr. **Boyd**. Out of a budget of——

Senator **Simon**. Of your budget?

Mr. **Boyd**. That would be $18 million.

Senator **Simon**. So it is really a very small amount.

I assume the kind of problems you face in funding are fairly universal, not just for the small museums but for the great museums of the country?

Mr. **Boyd**. Indeed, I think that is true. I cannot underscore or emphasize enough, how fragile I feel all of these museums are financed, you know. We are very concerned.

We do a lot in terms of earned income related to our educational purposes and we try, we are out raising money everywhere we can. The general operating support is particularly significant to us because corporations and foundations frequently have to give to specific purposes because of requirements of their charter. So the general operating support money is at the heart of the institution, helps us to keep the doors open seven-days-a-week, 52-weeks a year.

And though it is small and it is capped, unfortunately that also, as I said earlier, we are limited to how far we can spread such a small amount. And there are many small outstanding institutions in Illinois that do not annually receive these grants, not because they are not eminently qualified but because money is just so short.

Senator **Simon**. If I can just focus, just for a moment on the large museums. I am all for the small museums—I am from rural southern Illinois, where the small museums are—but I also think it is important to maintain these great museums.

And I am concerned, when of your budget, about ½ of 1 percent comes from the Federal Government. That is hardly enough to do much in the way of sustaining you.

Do you have an endowment?

Mr. **Boyd**. We have an endowment which accounts for about 17 percent of our annual budget. In 1950 it accounted for about 80 percent of the annual budget, which suggests how things change in terms of the financial basis of these institutions.

Senator **Simon**. So, if—and I am thinking out loud here, now—if, as part of the reauthorization, we were to put a small amount in for museums, for matching, for endowment, that might be of assistance to you?

Mr. **Boyd**. I am not sure that I understand, Senator.

Senator **Simon**. In other words, if we—and I am just pulling a figure out of the air here now—in addition to everything else, if we were to authorize $1 million a year for 3 years, for every museum, through an application process, to match endowment growth three-to-one, that kind of thing could be of practical assistance to you?

Mr. **Boyd**. I think there is no question. In some ways, that is a small version of the challenge grant that we have seen in NEA and NEH, which I think have had great impact on building the strength of institutions.

Senator **Simon**. All right.

I thank you, Mr. Chairman.

Senator **Pell**. Thank you, very much.

Going back to Ms. Murray, for a second.

Now, that you have settled in at the IMS, maybe you could fill us in a little bit on the staff structure; how many people are working for you? How many vacancies are there and are you reasonably satisfied with your staff, as it is?

Ms. **Murray**. I am very satisfied with the performance of my staff. It is funded to full 18, which are currently there. In our program office we have eight people, seven of whom have been museum professionals themselves.

As is always the case, they perform admirably under numbers that are probably inadequate. I know they work exceptionally hard and I know they are doing a very fine job and I am very satisfied with it.

Senator **Pell**. Thank you.

Mr. **Boyd**. I might also say, Senator, that the National Museum Services Board is very impressed by their performance and they are very effective group of people.

And I might say, Senator Simon, that we are very proud to have Ms. Murray with us, and I think while she has received a good deal of well bringing up in Texas, we like to think that her Illinois roots and connections are a major role in her openness.

Senator **Simon**. I think your grants are going to continue, Dr. Boyd.

Mr. **Boyd**. I hope so. [Laughter.]

Senator **Pell**. You have, I notice, six vacancies on your board, and what are your plans with regard to filling those?

Ms. **Murray**. We are right now identifying, working with White House personnel on this. We would like, at this point, to identify not only people that have had experience in museums, as that is very important to us, but also consider minority candidates and people with disabilities as is written in our legislation.

Senator **Pell**. Right.

Over the years, additional programs have been added to the Institute, each one crafted or designed to meet the conservation needs in museums or provide services to the field.

With such a small budget it must be difficult to allocate funds as programs expand. Does this mean that you cannot envision starting any new program initiatives, because it is all being sucked dry now?

Or do you have any plans for the future?

Ms. **Murray**. I think we are very definitely concentrating now on what we have. You notice that a new initiative this year is our conservation assessment program. This is a program that is really tailored to the small and emerging museum that really has trouble with the competition.

We expected to have around 100 to 110 people apply this year and we were swamped with 467 applications. This is a first-come/first-serve basis.

Senator **Pell**. The startling, shocking robbery in Boston a few days ago, must have had quite an impact on the museum community. Are you perhaps considering giving some of your funds to security functions?

Ms. **Murray**. Our General Operating Support program is our most important service offered to museums—one of the allowable activities under it is very definitely security.

Senator **Pell**. Could that program be expanded as a result of the robbery?

Ms. **Murray**. I think a museum could very definitely consider expansion of security, under this grant.

Senator **Pell**. All right.

If, as appears likely, this is more of a ransom operation than an actual robbery, what would be the role of the Museum Services Institute in playing the part of a broker in this or have you thought about this at all?

Ms. **Murray**. It certainly would be a new role for us. I think Dr. Boyd, being with a museum, can perhaps answer that better than I could.

Mr. **Boyd**. I see her lurking around the corner in Boston conveying the money, but I think it is a very, very serious issue. And I think, there but for the grace of God go any of us.

And it worries us constantly. Maintaining liaison with municipal police authority is something we are all constantly working at. But these are big buildings, and again, we are doing the best we can.

Senator **Pell**. Right.

Thank you.

Again, I would like to address this to Ms. Murray, the question of museum accreditation. The Institute now funds, I believe, the Museum Assessment Program which is administered by the American Association of Museums.

The objective of the program is to help museums improve their operations, leading eventually to AAM accreditation.

Why then is not museum accreditation taken into consideration to some extent in the general operating review process?

Ms. **Murray**. As you know, I think as of June last year, there were 683 museums that were accredited by the American Association of Museums.

It is a very worthwhile process, providing useful self-evaluation of a museum. It is something we have not addressed before but as you might see, we have $50,000 set aside for evaluation this year, which is something that would answer a great many of these concerns. What is the effective general operating support? What is the evolution of the museum standards? How perhaps could accreditation affect museums that are applying since they are both self-assessments?

We have not addressed this yet, but it probably will be in the future. I see it happening.

Senator **Pell**. Thank you.

Going back to the panel review board, which differs, I believe from the NEA and the NEH operation . . . Could your system be improved following their pattern? Or would you like to keep it the way that it is?

Ms. **Murray**. I think with the available amount of funding that we have had, it has been a very successful program, in that we have not taken out additional funds out of programs that we give museums.

On the evaluation that I just referred to a moment ago, Billy Woodward addressed this concern. The 13 people that I referred to, who are here meeting on the general operating support panel, were asked this question yesterday and they felt that as the situation stands, they are very happy with it.

But I do think that the question of reaching a wider field is something to work it into our evaluation and is something that would be very important in the coming year.

Senator PELL. And what would be the extra cost; what costs are associated with the panel type review, if you brought it into effect?

Ms. MURRAY. Well, we, as you know, do not fund projects. We fund programs. We have to look at the entire museum so we are considering 13 different disciplines, which is everything from zoos, arboretums, planetariums, aquariums, science, history, art museums, children's museums.

We are considering not only the disciplines, but we are considering really six different funding categories in amounts. It would involve a process of perhaps breaking all of these museums into different panels. And I think the first estimate we came up with, was that the initial cost would be $700,000 which under our present appropriations we could ill afford.

Senator PELL. I would agree with you on that. That would be out of hand.

I would like to say on the record that I am very proud to be a director of the Ft. Ticonderoga Museum and have great respect for the American Association of Museums.

Do you have anything further?

Senator SIMON. I do not.

Senator PELL. I have some further questions I would like to have responded to for the record.

While I hope that your authorization goes through with a minimum of controversy, I should ask I suppose if, by any chance there is such a thing as an X-rated museum? [Laughter.]

Ms. MURRAY. Not that I am aware of.

Senator PELL. Good.

I hope that you would take the lead with the other Endowments following your lead in a noncontroversial way.

Ms. MURRAY. Thank you, very much, Senator Pell.

Senator PELL. I wish you well and I would like to add that I think Ms. Murray is doing an excellent job. You faced a good many difficulties when you came in and have handled them well. You and Dr. Boyd are being very helpful in moving the Institute along and you have been very helpful to us, this morning, in your testimony.

So I thank you, very much, indeed.

Ms. MURRAY. Thank you, very much.

Mr. BOYD. Thank you.

Senator PELL. The next panel consists of an old personal friend of mine, Albert Klyberg, who is the Director of the Rhode Island Historical Society of Providence; Dr. Judith O'Sullivan, President of the Museums at Stony Brook, Stony Brook, NY; Mr. Joel Bloom, President, American Association of Museums; and Dr. Donald Hague, Director of the Utah Museum of Natural History, University of Utah, Salt Lake City.

We will start out with Mr. Klyberg, who I may find myself in the same airplane with this afternoon, back to Rhode Island. I wish him well. As a general custom, we have a 5-minute rule so that we have ample time for questions afterwards. So do not be startled if this light should go on and if you feel it is urgent, just continue and there will be a little bell that rings.

Mr. Klyberg.

STATEMENTS OF ALBERT T. KLYBERG, DIRECTOR, RHODE ISLAND HISTORICAL SOCIETY, PROVIDENCE, RI; JUDITH O'SULLIVAN, PRESIDENT, THE MUSEUM AT STONY BROOK, STONY BROOK, NY; JOEL N. BLOOM, PRESIDENT, AMERICAN ASSOCIATION OF MUSEUMS, PRESIDENT AND DIRECTOR, FRANKLIN INSTITUTE OF SCIENCE MUSEUM AND PLANETARIUM, PHILADELPHIA, PA; AND, DONALD V. HAGUE, DIRECTOR, UTAH MUSEUM OF NATURAL HISTORY, UNIVERSITY OF UTAH, SALT LAKE CITY, UT

Mr. KLYBERG. Thank you, Mr. Chairman.

Senator Pell, and Senator Simon in a few weeks the Institute of Museum Services will announce its thirteenth round of general operating support grants. Since 1977-1978 the Institute has made more than a $150 million available in general operating support and conservation grants.

The accomplishment is all the more significant because a decade ago, the Institute was nearly closed. As one who has followed the Institute's course, since its initial hearings in 1973, and was privileged to serve on its board for a year, I am pleased and honored to be asked to comment on the program during the current reauthorization.

The issues confronting the Institute's award program have been well outlined and framed in the review document prepared last November. Such issues as the length of application, the selection of field reviewers and the fairness of the process are all there for consideration.

To these and upon these, I would like to share the following comments and observations. The application is a long one. I do not know how that can be changed. Something very close to what is being used is necessary if the applicant's institution is going to provide sufficient detail to enable a reviewer ample opportunity to assess whether or not a quality program is being offered.

The last time our institution totally revised our application, it required three of us writing for a total of 100 hours to complete the task. That effort cost the institution about $3,000 in work time, but I do not see how that can be avoided.

The review process has been made fairer by the addition of a fourth reviewer and by recruiting more reviewers so that each person reads fewer applications. To my mind, however, the greatest weakness in the review process is the imprecise and arbitrary values of the grades for each section.

Each section of the application is graded by a reviewer on a score of one to seven, with seven being the highest for a score of excellence.

The composite scores of all sections and all four reviewers make up the total. The top 400 applicants or so get grants.

The key problem is that there are no real gradations for the middle scores of 4 through 6. The opportunity for wide-ranging interpretation is greatest in these ranges and the ranking is perhaps the most arbitrary.

From a practical standpoint an award is not made unless one scores nearly all six's and seven's in all sections of the application. A score of four or five is fatal. Reviewers' justifications in these scoring areas are often the weakest. A better system for calibrating the middle scores is needed.

The other principal disappointment in the program is that while the total dollars for the Institute has increased over the last 13 years, the number of annual awards has gone down. From nearly 550 awards in 1977 and 1978, we are now at a level of under 400. The size of the awards has increased with a ceiling of $75,000—up from $25,000 and $35,000.

Estimates made by the Institute staff and analysts of the American Association of Museums a decade ago, concluded that the number of awards appropriate to the standards of excellence would fall in the range of 560 to 575. We have gotten far afield from that goal and I hope the direction would be reversed by larger appropriations. Failing that, I would like to see the top award reduced somewhat so that more grants could be made.

I am absolutely convinced that well-qualified institutions have been excluded year after year because the screen set up by the application process was too fine.

The examples of fully accredited institutions being denied grants, while marginal ones squeak through on exaggerated, self-certified, and self-serving claims of excellence are numerous. I offer as an example of too limited an award policy, the 1986 and 1987 reports of the Institute.

In my particular field of history museums, the State historical museums and State historical societies are among the first ranking museums of their type, yet in these 2 years, only seven were awarded grants in 1986 and only four in 1987.

There is one way in which the award process could rely on independent certification rather than self-certification of applicant institutions. For nearly 20 years, the American Association of Museums has administered an accreditation program which involves not only the filling-in or the filing of an extensive institutional profile, but also involves a site visit, sometimes lasting more than 1 day.

The Institute has recognized the value of this accreditation by making museum assessment program grants to assist museums contemplating accreditation—to take stock of themselves and engage professional advice. Why doesn't the Institute take the next logical step and integrate accreditation in its award program?

Quality points could be assigned to applications from accredited museums, much the same way as job applicants for Federal positions have their applications weighted if they are a veteran.

Certainly accredited museums who have stood the test of a site scrutiny should not find themselves left out of GOS, while unaccredited museums, upon the strength of their grantsmanship and nerve, write a successful ticket.

I believe questions of fairness and accuracy would be best and most satisfactorily addressed by increasing the number of awards by 150 or 175 grants. After all, how much real assistance can it be for an institution to get a grant on an average of one every 4 or 5 years.

Where is the service in that?

That concludes my statement. And thank you.

Senator PELL. Thank you very much for those very specific points, which we will come back to in a moment.

Senator SIMON. Mr. Chairman, I will not be able to stay. But if I could ask one question——

Senator PELL. Please.

Senator SIMON [continuing.] Of this witness.

What percentage of museums around the country are accredited?

Mr. KLYBERG. I do not know the percentage. There are people here from the AAM who could probably answer that.

Senator PELL. I think Dr. Boyd might be able to answer that.

Mr. BOYD. I think there are about 600, or about 10 percent. I would think we would have to address acceditation in the same way that it has been addressed for higher education; that is to say that the accrediting agencies would have to meet certain standards established by the Federal Government to deal with both the Consitutional issue as well as the standards.

Senator SIMON. Thank you.

Senator PELL. Thank you.

Next we will hear from Mr. Joel Bloom, President of the American Association of Museums and President and Director of the Franklin Institute Science Museum and Planetarium in Philadelphia. Mr. Bloom.

Mr. BLOOM. Mr. Chairman and Senator Simon, I am Joel Bloom, President of the AAM and President and Director of the Franklin Institute Science Museum in Philadelphia.

I thank you for the opportunity to testify about the importance of the Institute of Museum Services to America's museums. I think museums should be experienced and not talked about—so I brought a little piece of the Franklin Institute with me, a little science demonstration.

What happens when I drop this ball? It bounced, as you would expect. Well, scientists like to repeat experiments, so let me try it again. [Laughter.]

The second ball is made of a new material, a special polymer which is used for where bouncing is not desired, like rubber matting or conveyer belts, for example. I will give you a little kit which has this experiment and another fascinating experiment when I finish my testimony.

Now what does this have to do with museums? Actually, everything. There are many different kinds of museums which explore every aspect of human and natural history. You know there are museums of art and of science, museums for children, museums with living collections, such as zoos, botanical gardens and arboreta. All these museums have one thing in common; they all rely on real things—a real Titan rocket—a real Tyrannosaurs Rex.

Even in this media-saturated age, there is no substitute for the real thing. Apparently the American people agree. Every year, 500 million people visit our country's museums. They are attracted by the opportunity to stand face to face with something important—important art, important events, important ideas.

Clearly there is widespread popular support for museums. Museums provide rich educational experiences to the public. Our audience are growing in number and diversity. We have learned how to better serve a multicultural America. For example, in museums with Native American collections, Native American people now participate in developing and implementing policies for collections, exhibitions and programming.

My own museum, the Franklin Institute, just hosted an exhibit for black achievers in science. It celebrated the often unappreciated contributions made by African American scientists and engineers. This exhibit was enormously successful, in part because of the enthusiastic support of Philadelphia's Afro-American community and the help of the Community Advisory Council chaired by Congressman Bill Gray.

The Institute of Museum Services plays an important role in supporting both the public and the private functions of museums: development of programs and exhibitions for a wide range of audiences. Behind-the-scenes functions of collections management and conservation are equally important, if less known to the general public.

To name just one example, thanks to a grant from IMS, the collection of the Stanford University Museum of Art was virtually unscathed by the massive earthquake that shook California last fall. The grant permitted the museum to earthquake-proof the collection. As events proved, the efforts were successful and the collection negligible.

In the past 10 years, I have testified many times on behalf of IMS and the vital support that provides for America's museum. Often, we were fighting for the very survival of IMS. Thanks to you, Mr. Chairman, and the members of this subcommittee, the existence of IMS is no longer in question.

Thank you.

[The prepared statement of Mr. Bloom follows:]

PREPARED STATEMENT OF MR. BLOOM

Mr. Chairman and members of the subcommittee, I am Joel N. Bloom, president of the American Association of Museums (AAM) and President and Director of the Franklin Institute Science Museum in Philadelphia, PA. Thank you for the opportunity to testify about the importance of the Institute of Museum Services to America's museums.

Museums should be experienced, not talked about. So I have brought a little piece of the Franklin Institute with me. A science demonstration. What happens when you drop a rubber ball onto a table? It bounces, right? Now scientists always like to repeat an experiment. Appearances can be deceiving. This second ball is made of a new material. This special polymer is useful where bouncing is not desirable—rubber matting or conveyer belts, for example. This demonstration is the key to the power of the museum experience. Perhaps some of you wonder why these seemingly identical balls behave so differently. This is an example of the kind of curiosity a museum can awaken. The kind of spark a museum can strike. For some very distinguished people, that spark lights a fire that burns for a lifetime. A museum experience can literally shape a life.

The AAM membership consists of more than 8,000 individuals and 2,300 art, history, natural history and science museums, zoos, aquariums, botanical gardens, planetariums, and children's museums. AAM serves the diversity of the museum community by providing ongoing professional and technical assistance through our programs on Accreditation, Technical Information, Meetings and Continuing Education, Publications, International Affairs, Government Affairs and the Museum Assessment Program. In order to improve communications across disciplines and space, AAM maintains strong relationships with local, state and other national museum associations, and other cultural organizations. These activities enable the AAM to facilitate the exchange of information on collections and resources management, conservation practices, professional development and training, institutional standards, and basic operations. Implementing new and improved policies, procedures and techniques in our museums to care for collections and educate the public, however, takes time and money.

The historic Belmont Report, published in 1969, was a study commissioned by the Federal Council on the Arts and Humanities on the conditions and needs of America's museums. This comprehensive report laid the foundation for a federal response to the escalating needs and increased public demands on museums. Seven years later, after many months of congressional hearings and deliberations, and under the guidance of former Representative John Brademas and you, Mr. Chairman, among others, Congress acknowledged the important mission of museums in collecting, preserving, interpreting, and exhibiting our nation's cultural patrimony, and President Gerald Ford signed into law the enabling legislation for the Institute of Museum Services.

With the creation of the IMS, critical federal grant assistance was made available on a competitive basis to:

> . . . encourage and assist museums in their educational role . . .; to assist museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage; and to ease the financial burden borne by museums as a result of their increasing use by the public. (U.S. Code 20, Chapter 26, subchapter II, Sec. 961.)

This language, part of the enabling statute of the IMS, identifies still today the fundamental mission of our museums and the needs they continue to face today. The IMS makes it possible for many museums to fulfill and expand their educational missions, to preserve the artistic, historic and natural artifacts that demand ever greater care, and to support the most basic operations of our museums, from paying the electric bill for exhibition lighting to support of staff salaries.

As you know, Mr. Chairman, museums are unique among cultural institutions in their numbers; their diversity in size and discipline; their appeal to the broadest public; their links, both formal and informal, to this country's education system; their contributions to scholarly and scientific research; and their collections—millions of unique and irreplaceable objects of natural history, history and art, as well as living collections of plants and animals. Museums are diverse indeed, but they share one important aspect: We all rely on real things. A real Titian. A real Titan Rocket. The fossil of a real Tyrannosaurus Rex. Even in this media-saturated age, there is no substitute for the real thing. Apparently, the American people agree. Every year, five hundred million people visit our country's museums.

Built and funded over the last century and one-half primarily by private philanthropy and the initiative of state and local governments, museums have achieved a standard of excellence equal led only by the affection and interest that Americans have for them. Museums have a long tradition of scholarship, education, access and public service. Their impact on the economic well-being of our communities is amply documented. Their contributions to our intellectual and cultural life, their stimulation of our senses of curiosity and vision are a cornerstone of our open society.

Museums have long held the principle that as custodians of the nation's natural, scientific and artistic heritage, their collections and programs should be accessible to all those who wish to see, study and learn from them. For this reason, museums have traditionally charged as little as possible for admittance and have maintained hours that make visiting them convenient. In addition, museums have increased physical access to their buildings and adapted public programs to meet the needs of special patrons, such as school children.

Because of this commitment to public access, museum personnel must assure security, building maintenance, adequate storage facilities, climate control and collections care that must be met by their institutions each day. Museum collections must be kept secure, their environments carefully monitored and controlled, and their buildings properly maintained. Although priorities may shift and emphases change, these are ongoing and costly responsibilities, integral to the definition of a museum and part of the public trust placed in each one of them.

The challenges before America's museums today are greater than ever. With the ongoing mission of collecting, exhibiting and preserving artifacts and specimens of our cultural heritage, museums must reach deeper into their communities and be even more responsive to their publics. One area of particular growth in museums is the reflection of our nation's cultural diversity. Through exhibitions and public programming, museums have expanded their attention to different cultures—Native American, Afro-American, Latino, and Asian American. Many museums with Native American collections, for example, have made Native American participation in collections, exhibitions and other programming central to their operations and approach with sensitivity the establishment of new policies for the treatment of Native American materials in museums.

My own museum, the Franklin Institute Science Museum, recently hosted an exhibit called Black Achievers in Science: It celebrated the often 5unappreciated contributions made by African American scientists and engineers. This exhibit was enormously successful, in part because of the enthusiastic support of Philadelphia's African American community, and the help of a community advisory committee chaired by Congressman Bill Gray. This is just one example of the ways museums can respond to the needs of a multi-cultural America.

These and other new challenges are able to be addressed in our museums in part through the help provided by the Institute of Museum Services and its support for the very foundation of our nation's museums.

The General Operating Support program of the IMS, the centerpiece of the agency's funding programs, serves museums in assuring that both critical and routine tasks such as these are accomplished. GOS grants can also help museums in a variety of other respects, such as conducting research on collections or exhibitions and sustaining ongoing educational programs. The enabling statute clearly provides for assistance to museums for exhibition installation and interpretation; staff development; administrative costs; educational programs; and other costs associated with museum operations (Sec. 965). My colleague, Donald V. Hague, director of the Utah Museum of Natural History, will present testimony on the important contribution of GOS grant awards to the museum he directs.

Probably one of the most extraordinary examples of the value of IMS general operating and conservation support is that of several San Francisco Bay area museums that used IMS grant support to protect collections in the event of an earthquake. When the massive October 1989 San Francisco-Oakland earthquake struck, the Stanford University Museum of Art suffered extensive structural damage. However, a $35,000 IMS general operating support grant received several years earlier, exclusively used for protection of collections in the event of an earthquake, is credited with protecting all but a few of the museum's 30,000 objects from earthquake damage. It is safe to say that, together with the foresight of the museum's staff, the IMS played a significant role in the preservation of the Stanford collection.

In December of 1988, Lois Burke Shepard, former director of the IMS, wrote to many in the museum community requesting input on the reauthorization of the IMS. The AAM took the initiative to solicit comment from the AAM leadership including several AAM committees. Overall, the response from the AAM leadership was quite favorable regarding the enabling statute, but most particularly the value of the GOS program. In AAM correspondence to Mrs. Shepard, Edward H. Able, Jr., director of the AAM, wrote:

> If any theme was common in the comments received by the AAM, discussion at the Council meeting, and across the field, it is the critical nature and importance of the current programs of the IMS. We believe that the General Operating Support program, the foundation of the IMS, is unique in its service to the field and should be strengthened, both structurally and financially, to assist museums in their most central and fundamental functions. As no other federal agency provides grants to museums to assist in sustaining their infrastructure and ongoing operations, GOS grants ensure the long-term welfare of the nation's cultural patrimony.

In addition to the praise for GOS, however, many within the museum community have expressed concern about several aspects of the award process utilized by IMS for the CBS program. Specifically, concerns have included the need for additional training of CBS peer reviewers, the high number of applications assigned to each reviewer, the number of available reviewers per museum type, and the scoring of grant applications. In several of these areas, the IMS has initiated new approaches to ameliorate lingering concerns, such as in reviewer training. In all areas, I know personally that the IMS staff and the National Museum Services Board (NMSB), the policy-setting body of the IMS, are aware of the concerns of the museum community and we are willing to work with them further in the months to come.

A positive step was taken last year when the NMSB and IMS staff undertook a comprehensive review of the General Operating Support program, the first in-depth examination of the program in its twelve-year history. This review was initiated in response to the kinds of concerns I have mentioned from the museum community regarding the administration of the program, the peer review process utilized in evaluating grant applications, and the distribution of grant awards.

After eight months of review, a committee of the NMSB issued a report in November 1989 that addresses seven sets of issues. These include: program and administrative funding; distribution of grants by discipline, budget size and state; budget categories; application requirements; reviewer qualifications; reviewer performance; and communications. The AAM commends NMSB chairman, Dr. Willard Boyd, president of the Field Museum of Natural History; James H. Duff, executive director of the Brandywine River Museum, a member of the NMSB and chairman of the committee that undertook the review; all members of the NMSB and the IMS staff.

For eight years, the AAM has played a significant role with the IMS in providing support for museums' general operations through the Museum Assessment Program (MAP). An adjunct to the General Operating Support program, MAP is significant for small and young museums that have few staff, limited resources, and strong ambitions to successfully fulfill their mission. Through this non-competitive grant program, eligible museums meeting a basic set of criteria receive guidance and assistance through self-study and peer review on all functions of museum operations, such as governance, staffing, preservation and collections management. Currently undergoing research and development is a new component of MAP that will assist museums in their interaction with the public through educational programs, exhibitions, and audience development, research and marketing.

With a modest grant of $1,400, covering expenses incurred by the museum for the evaluative process, approximately 2,300 MAP grants have been made over the past nine years, many to museums that subsequently were successful IMS General Operating Support program grant recipients. The AAM is proud to produce and administer MAP and to work with the IMS and the National Museum Services Board to assure that museums across the country in need of technical assistance have access to this unique program.

Now in its seventh year, the Conservation Project support program continues to play a critical role in assisting museums in the area of conservation. Originally designed to support the treatment of specific objects and specimens, the program was redesigned several years ago to focus on priorities and long-range planning in conservation in order to meet overall conservation needs in museums. The program now supports every facet of collections care: surveys of collections and environmental conditions, planning for proper storage and climate control systems, conservation training and research, and the treatment of objects and living specimens.

In the most recent 1989 grant cycle, many museums received conservation support to undertake surveys of collections and environmental conditions, to hire a conservation consultant to conduct a general survey and to develop long-range conservation planning. The Chicago Historical Society, for example, received a $24,900 conservation grant to hire conservation consultants to conduct general surveys in their library of 70,000 titles, 13,000 linear feet of manuscripts, 300,000 architectural drawings and 1,400,000 photographs. The Museum of Natural History in Lawrence, Kansas received an $11,600 grant to hire a professional conservator to conduct surveys of the herpetology and ichthyology collections and to purchase supplies to improve tank storage of large reptiles. And the Museum of Fine Arts in Boston received a $24,000 conservation grant to conduct a general survey of the storage area and an environmental engineering survey of the 10,376 square foot storage area containing objects from the Department of Egyptian and Ancient Near Eastern Art and the Classical Art Department.

Nineteen eighty-nine conservation grants will also be used by many museums to treat specific objects and specimens. The Fernbanks Museum and Planetarium in St. Johnsbury, Vermont, will use the $24,300 grant to implement recommendations from a recently completed IMS-funded survey including environmental monitoring of collections, improvement of exhibit and storage facilities, employment of a professional conservator to clean unhoused specimens, and to develop an emergency disaster plan. A $25,000 conservation grant award received by the Walters Art Gallery in Baltimore will enable the museum to hire a specialist in Asian scroll conservation to treat and remount seven scrolls and to purchase the supplies and materials needed for the treatments. Yet another example of the benefits of the conservation program is the support received by the Museum of Stony Brook in Stony Brook, NY. Judith O'Sullivan, director of the Museum of Stony Brook, is here to share her museum's successful experience with the Conservation Project support program.

Conservation treatment of objects and long-range conservation planning continue to be of the highest priority for museums. In 1984, the AAM was joined by the National Institute for Conservation and the American Institute for Conservation to undertake a study, at the request of Congress, on the condition of collections in America's museums and to provide an overview of the resources that are available to museums as they care for their collections. "Collections Management, Maintenance and Conservation," the first major study of the needs of museum collections, was submitted to the Congress several years ago. However, the museum universe is large, diverse and constantly changing, and museum collections continue to grow and demand greater attention. The nearly 40 percent of museum collections deemed to be in serious or routine need of conservation in 1984 is likely to be matched by the number of artworks, artifacts and living specimens that today demand attention. New federal efforts to address certain types of collections—books and paper, archaeological and ethnological materials—are helping to address these serious problems.

The support provided for this critical work through the IMS Conservation project support program plays a major role and must be strengthened. The new Conservation Assessment Program, funded by the IMS and administered by the National Institute for Conservation, is modeled after the Museum Assessment Program and will provide additional technical assistance in conservation. The AAM strongly supports this initiative and others that address the preservation of our natural and cultural heritage.

Since the 1985 reauthorization of the IMS, a new IMS program has emerged as a result of a 1987 congressional appropriation to enable the IMS to enter into contracts and cooperative agreements with professional museum organizations for programs and projects to educate museum professionals in conservation and museum management issues. Thus, the Professional Services Program was established under Sec. 206(b)(1) of the enabling statute. This program filled the void created when the National Museum of Act of the Smithsonian Institution, which provided grant support for training opportunities for museum professionals, research on museum-related problems, and museum management, was not reauthorized by Congress in 1984.

The Professional Services Program (PSP) provides support to professional museum organizations for projects designed to strengthen museum services. The AAM has received two grants since the inception of this program, one for MAP III development as discussed earlier, and the other for AAM's Survey of Museums. Because of the critical need for current fieldwide information about museum operations and programs, the AAM has undertaken a national data collection project involving a comprehensive survey of information of museums in the United States. A PSP grant of $50,000 was received by the AAM for this project. In an unique multi-agency effort, the National Endowment for the Arts, the National Endowment for the Humanities and the National Science Foundation have joined with the IMS and also supported this project. The project plan calls for the information to be maintained in standardized categories in a permanent database. By mid-1990, the AAM will publish the "1989 Report of Museums," an important extension of the 1979 "Museum Program Survey," the last comprehensive survey of the field. Subsequently, information will be updated, analyzed, and distributed on a regular basis to museum professionals who may use the material to initiate programs of long-range planning and address current needs and future opportunities. This documentation of museum diversity also will help those in the field describe the museum community to the public, monitor changes in the field, and make comparisons among museum operations.

Other PSP grants have been awarded to organizations such as the Association of Science-Technology Centers to produce a reference manual that will help museum exhibit designers apply the findings of ergonomic research to the development of interactive exhibits that are safer, easier to understand, and accessible to a wider range of visitors. The American Association of Zoological Parks and Aquariums also received a 1989 PSP grant to organize a workshop where leading conservation biologists will assemble to review current scientific techniques for genetic and demographic management of species in captivity and to formulate new methodology.

The AAM and its members believe the PSP program to be a significant addition to the IMS and urge its continued support and funding.

The membership of the AAM, and indeed all museums and museum professionals across the country, view the 1990 reauthorization of the IMS as an important and historic opportunity. In previous reauthorization rounds, the question surrounding IMS was simply whether the agency should or should not exist. Through your leadership, Mr. Chairman, and members of this subcommittee, we have come to a point today where the existence of the Institute of Museum Services is not in doubt. Your steadfast commitment to this small but important federal agency helped to turn around an administration that repeatedly sought the demise of the IMS and to bring us to this new era in which the administration acknowledges its significance to the museum community.

I would be remiss, however, if I did not also mention the important contribution of the new director of the IMS, Mrs. Daphne Hood Murray. Mrs. Murray's direct experience of twenty-three years working in museums makes her uniquely qualified to head the IMS. Her commitment to advancing the goals of the agency and to serving the museum community will be critical to the future of the agency. Her predecessor, Lois Burke Shepard, should also be mentioned as her leadership helped stabilize the agency during difficult times.

Once again, Mr. Chairman and members of the subcommittee, I thank you for the opportunity to present this statement. I speak on behalf of the AAM, its thousands of members, and for every person in this country who loves museums.

Senator PELL. Thank you very much, indeed, and your full statement will be printed as if read in the record.

Mr. Hague.

Mr. HAGUE. Chairman Pell and members of the subcommittee, my remarks are included in those that have been submitted previously, so I will try to be a little more informal here.

My name is Donald Hague. I'm director of the Utah Museum of Natural History, which is rated "G" in terms of its content.

Senator PELL. I would add that Senator Hatch, the ranking minority member of the full committee would very much like to be here and extends his greetings to you. Without objection, his full statement will be included in the record.

[The prepared statement of Senator Hatch follows:]

PREPARED STATEMENT OF SENATOR HATCH

Senator HATCH. I look forward to reviewing the testimony regarding ways to improve the legislation for museums. The Institute of Museum Services was established in 1976 as an independent federal agency responsible for increasing and improving museum services and has served effectively to increase the availability of museums throughout this country. The Institute supports all types of museums including aquariums, arboretums, botanical gardens, children's and junior museums, planetariums, science and technology centers, and zoological parks.

I am especially grateful that we have Donald V. Hague here from Utah to share his ideas with us. Mr. Hague is the director of the Utah Museum of Natural History at the University of Utah in Salt Lake City. He is also the founding president of the Utah Museums Association and has held positions at the national level as well. I know that his remarks will reflect the concerns of many who are involved with museums in the more rural parts of this nation.

I appreciate the contribution that museums make to our society throughout the country. Each of us who lives here in Washington has the opportunity of visiting the best museums in this country by just leaving our offices and walking ten minutes. I wish that everyone could have that same opportunity, but that clearly cannot happen. However, I do believe that all citizens need the advantage of having museums within their state boundaries that allow them to sample the knowledge available through museums. I have visited the State Museum of Natural History in Utah and know what a fascinating and exciting place that is, especially for children who are so eager to learn.

I would like to commend all of those involved in providing access to museums for citizens across these United States, and I hope that the information presented to us in this hearing today will give us more insight about changes we can make in the National Foundation of the Arts and Humanities Act to make the Institute of Museum Services even more effective than before.

Mr. Hague. We appreciate the support of Senator Hatch. Senator Hatch has been in our museum in the past. Utah is famous for its dinosaurs. Of course, the Smithsonian and Carnegie museums, the American Museum, all have dinosaurs from Utah.

I am the founding president of the Utah Museums Association, a former member of the Accreditation Commission. I regard that as one of the important experiences that I've had over the past because it has allowed me to understand more particularly what the small museums have to deal with. Many of these small museums are not accreditable, but we have a program through the Institute of Museum Services; namely, MAP, which allows them to proceed and to upgrade their standards.

I would also like to talk about what our museum has done in the past. I was asked to address the question of when I first applied for a museum grant, an IMS grant, and this was in 1978. Over that period of time, we've applied ten times. Our rate of success has been 50 percent, and I know that we are talking about 29 to 30 percent success with those applicants that are applying at this particular time. We applied three times for conservation grants and been 100 percent successful.

They mentioned the Stanford Museum, the Museum of Natural History, along with the Utah Museum of Fine Arts, has been able to have a joint program which also includes disaster planning. And that has been jointly matched by our university administration in moving ahead with a disaster plan.

I have served as a MAP consultant in a number of instances in the past, and I have found that that has been very useful and instructive to myself. But, more importantly, the museums in which I have conducted these MAP surveys have come out of that particular exercise feeling that they are capable of moving ahead, of growing. In some instances, we have been able to reassure them that they are not falling apart, even in the face of disruptive operations and chaotic administrations. Many of those organizations now have moved on to accreditation, so I regard MAP as a very important part of that.

As to the observations about the general operating support programs, I know that the IMS board and its staff has conducted an eight-month study which was begun and then issued last November. I have read that. I think they have addressed the various issues that they have looked at, programs, the distribution of how these grants are made, the budget categories, how the applications are handled, qualifications of the reviewers, the performance of the reviewers, and, more importantly, how they communicate to these people.

My own observations from reading that particular review is that they have done an excellent job of trying to make changes to improve the total process. I question that we can simplify it much more because, as a reviewer and in talking to some of my colleagues, it appears that we really do need this kind of information to make the kind of judgments that they require.

I think important, too, is the fact that they are training the reviewers that have been conducting the review process, and I would recommend at this time, too, that they try to increase the pool so that we have more people in there and we can actually lower the number of applications that each reviewer has to handle.

I support the notion that my previous colleague has suggested here, that perhaps accreditation should play a bigger role in this. To have gone through the accreditation process, the scrutiny of your peers certainly seems to me to be something that would be valuable in a review process by IMS reviewers, and I would encourage that we consider that as well.

On the question of money available to the organizations, our earlier amount was perhaps we were funding two out of three applications. That is now down to one out of three. And I would hope that we can sustain the levels at the same amount that we have at this time.

I thank you for the opportunity to appear before you. Thank you.

[The prepared statement of Mr. Hague follows:]

PREPARED STATEMENT OF DONALD V. HAGUE

Chairman Pell and members of the subcommittee: My name is Donald Hague and I am Director of the Utah Museum of Natural History (UMNH) located at the University of Utah in Salt Lake City. I am the founding president of the Utah Museums Association (1972), a former member of the Accreditation Commission of the American Association of Museums (1974–80) and a former member of the Advisory Council of the National Museum Act administered by the Smithsonian Institution (1981–84). I appreciate the opportunity to appear before you today in support of the reauthorization of the National Foundation on the Arts and Humanities Act specifically that dealing with the Institute of Museum Services.

The Museum which I direct is the State Museum of Natural History. It is located at the University of Utah through a 1963 act of the legislature. UMNH serves as the repository for all archaeological/paleontological resources recovered from state lands as well as for large federal collections. With its outstanding collections and exceptionally well-qualified staff, UMNH fosters the development and growth of other museums statewide through the loan of materials and the sharing of expertise in the natural sciences. It also serves as the curation facility for the University of Utah's collections in anthropology, biology and geology/geophysics and has direct involvement in the teaching and research of those departments. The Museum opened in 1969 with public exhibition and educational programs which in 1988 recorded over 300,000 visitors.

The Museum's audience is made up of all residents of the state, its visitors and the University community. This includes preschool, elementary and secondary students and teachers, the academic community from college students and faculty, to scientists and researchers worldwide, and residents and visitors with an interest in and appreciation of the natural heritage of the state. The Museum offers credit and non-credit programs which reach into all parts of the state but is particularly recognized for its teacher recertification workshops. It also has placed teaching kits in regional distribution centers throughout the state for use by educators.

The Museum holds major systematic collections in the fields of anthropology (½ million specimens), biology (248,000 specimens) and geology (21,000 specimens) most of which are from the Great Basin, Great Plains and northern Colorado Plateau. The Cleveland-Lloyd dinosaur collection is considered one of the most important Jurassic dinosaur collections in the world from which some 43 museums, both national and international have received exhibitable specimens since 1965. Specimen loans of all types are made to institutions both in and out-of-state.

The Utah Museum of Fine Arts and the Red Butte Gardens State Arboretum are also located on the campus, maintain valuable collections in their respective fields and serve much of this same audience through their programs. All three organizations have received and benefited from IMS grants in the past collectively totalling $525,000. Other IMS recipients in the state have received funding in the amount of another $250,000.

The Utah Museum of Natural History first applied for IMS monies in 1978. An initial grant for $15,000 was awarded which was matched by a donor and was used to develop a master plan for the Museum focused on the architectural needs for the decade of the 1980's. That document provided a roadmap for phased development beginning in 1982 and attracted additional donor support for the orderly remodeling of Museum collection areas, offices, laboratories and exhibit shops culminating in the final phase, a major new exhibition gallery, which opened in 1989. I estimate that our first IMS grant/match created a fifteen-fold return.

The Museum subsequently received four General Operating Support (GOS) grants in 1979–80 ($50,000), 1984–85 ($50,000), 1985–86 ($51,037) and 1986–87 ($66,468). In addition to the master plan efforts these IMS grants enabled us to significantly improve care and access to collections, obtain equipment, duplicate valuable records, develop school outreach programs, give technical assistance to other Utah museums and provide staff development and travel.

One of the most important uses of the IMS funds was in establishing the Museum's development program with the appointment of a salaried person in 1985 with additional grants helping to sustain and expand the program since then. Through this program our base of corporate support has more than doubled while 90 percent of all Utah-based private foundations are now consistent Museum supporters because of our development solicitations. For Fiscal Year 1985, operating income was $405,000, with in-kind (non-cash) support of goods and services totalling less than $100,000. By comparison, Fiscal Year 1988 operating income was $1,533,000 with non-cash support of $501,000. This development effort demonstrates, I believe, that IMS's investment in the Utah Museum of Natural History has been well-leveraged with over a three-fold increase in non-governmental operating funds and a 5-fold non-cash increase in four years. This has been true in the membership program as well where IMS funds have helped the Museum to double its membership numbers in the same period.

The Museum has been 100 percent successful in applying for Conservation Project Support grants through IMS receiving a 1984 grant ($1,817) for the purchase of environmental monitoring equipment, and a 1985 grant ($16,592) for the purchase of Museum collection storage cabinets. The Museum submitted a successful joint application ($6,528) with the Utah Museum of Fine Arts on campus in 1989 for a Conservation Survey of the respective museums aimed at developing plans for the long-term preservation of their collections. The Utah Museum of Natural History currently has both GOS and CPS grants pending with the Institute of Museum Services.

I have served IMS as a Museum Assessment Program (MAP) reviewer although the Museum, itself, has not undergone a MAP survey inasmuch as the program was not in place when the Museum received its initial AAM Accreditation in 1972. I have, however, been a strong advocate of the MAP phase of the IMS program for two reasons. First, in service to the American Association of Museums (AAM) Accreditation program as a chairman of numerous accreditation committees and later as a member of the Commission I observed the need for a program to assist small museums raise their standards to qualify them for accreditation. Second, I noted in my own state that many small museums would likely never qualify for accreditation but were nonetheless caring for valuable collections, particularly historical, and needed outside assistance and recommendations toward making them more professional. The MAP program was designed to do this and I have seen it work for many museums throughout the country. One MAP program I carried out at an unnamed western museum provided the needed reassurance to the staff that their museum was not about to fall apart in spite of a chaotic and unknowing administration which had allowed aimless wandering and ethical problems to disrupt operations over an 18-month period. That museum operates in a professional manner today because of MAP.

The Museum Assessment Program is an IMS-funded consulting service which provides practical assistance to museums—at no cost. Through an application process individual museums can receive $1,400 toward the registration fee, consultant's costs and funds to acquire technical assistance material. The initial MAP survey is directed at operations and programs; MAP II, typically conducted after the first MAP, is a detailed study by a consultant aimed at meeting the challenge of basic long-term care and management of the collections entrusted to an institution. Each is a separate grant and a museum may apply for both.

The Institute of Museum Services currently supports this extremely valuable service whose administration it has wisely delegated to AAM. A museum need not be accredited to apply for MAP nor does being accredited preclude a museum from applying. To meet eligibility a museum must be not-for-profit, open at least 120 or more days per year and have a full-time paid or volunteer staff person. Budget size is not a criterion for funding which, incidentally, is given on a first-come, first-served basis. Since 1986, nine organizations from my State of Utah have received MAP grants and have seen substantial improvements in their operations as a result.

Two major cultural organizations receiving major DOS and Special Project grants in Utah with whom I'm familiar include the Utah Historical Society (Division of State History) and the Hansen Planetarium. The Historical Society used its awards primarily to provide technical assistance to Utah's many small historical museums and to conduct workshops on collections care, security, education and fundraising. The Hansen Planetarium has established a Development Office through which it has found the support to initiate planning for a Science Center for Utah and has been able to provide outreach science education programs to all school districts in the state.

IMS funding for museums and other qualifying institutions represent an important source of support which can be applied directly to operations. Unlike the important but specific project support which NEA and NEH are able to provide, a General Operating Support grant from IMS can be spread across a variety of needs in a museum. For a small museum a one-time federal grant can be the difference between attaining a measure of credibility or going out of business. DOS grants are the foundation of the IMS and serve to assist museums in their most central and fundamental functions. The level of IMS funding available to museums, however, falls short of the real need which argues strongly for the reauthorization of the Arts and Humanities Act now being considered and, at the least, for funding in the recommended amounts. For Fiscal Year 1990 IMS received and is reviewing 1,370 applicants, but approximately 28 percent will receive actual funding even though most are deserving.

The application process has been criticized for being too complex. IMS has responded to this in the past with simplification of its forms and instructions. In November 1989, after an eight-month study, IMS published a Review of the General Operating Support Program in which the Board and staff addressed this particular issue along with all other aspects of the program. After reading this review, which was widely circulated to the museum community, I feel confident that improvements will have been made for the next cycle of grants. Their willingness to solicit criticism and to pursue a constructive self-study reassures those of us who are beneficiaries of IMS monies that the program administrators are indeed anxious to serve museums in the best possible way. If anything, the program could use more help to effectively carry out the IMS mandate. My colleagues report that the Washington staff are always accessible and helpful in dealing with inquiries from applicants.

The GOS review process has suffered in the past from inconsistent grading of applications by reviewers. In 1989, IMS initiated reviewer training programs at five national association meetings and plans to repeat the same at six regional meetings in 1990. Reviewers are currently drawn from a pool of 1,200 museum professionals. Those with whom I have talked feel that increasing the pool of reviewers would reduce the number of applications (9 to 16) that each must handle . . . most are reviewing 12 to 13. It is important that the quality of the reviewers, however, not be compromised. In fact, efforts have been made by the staff to substantially upgrade reviewer quality and reviewers are removed from the pool if they perform poorly. The Hansen Planetarium feels that because so few planetariums apply for IMS funds that the pool of reviewers is probably inadequate with the result being that reviews are done by people lacking an appropriate understanding of planetariums. These concerns have been presented to an IMS staff who were courteous and welcomed the comments. The individual reviewer method, nonetheless, because of the large number of essentially voluntary professionals is one of the most cost-effective, with the IMS program having one of the lowest federal overhead ratios for service rendered.

The distribution of successful grants by numbers appears to favor the urban museums in states with large populations; i.e., eastern and midwest. IMS says there is no bias in its 1989 Review Document, but the 1988 figures I reviewed suggest otherwise. Similarly, the largest number of reviewers come from the eastern/midwestern states, although there are exceptions to both of the above patterns. This tends to work against the western/rural/small population states in my judgment. It may also be noted that among the types of museums (13) that Natural History/Anthropology Museums and Planetariums are the least funded, (20.6 percent and 16.7 percent respectively) while Children's/Junior Museums enjoyed a 40.4 percent success rate with the average for all categories being 29 percent. The nationally recognized Hogle Zoo in my own state of Utah has never been successful in obtaining an IMS grant and feels that those zoos receiving awards are the same ones who were initially successful and now repeat year after year. Discouraged, they have not applied in the last two years.

In an era of budget constraints and deficits, it is not easy or popular to argue for more funding for museums. Nonetheless, these unique institutions, curators of the nation's history, art and science, should be supported by citizens and governments alike for the role they have played in preserving this heritage. Further, their potential to increase understanding between all nations and to provide rich leisure/educational opportunities for our own populace will be needed more than ever in the next decade and the 21st Century.

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to testify in support of the reauthorization of the National Foundation on the Arts and Humanities Act. All of us in the museum profession commend you and others of the Congress who have consistently supported this legislation and I urge that it be funded at no less than the recommended levels.

Senator PELL. Thank you very much, Mr. Hague.

Dr. O'Sullivan from Stony Brook.

Dr. O'SULLIVAN. Now, had I arrived, Mr. Chairman, in an appropriate vehicle, the conservation of which was made possible from the Institute of Museum Services, I would have arrived in the phaeton owned by American Revolutionary War General Peter Gansevoort, which IMS gave us a major conservation grant to restore this year.

The years 1989 and 1990 have been remarkable periods in time. Everywhere, Mr. Chairman, Americans from all walks of life have witnessed the resurrection of democracy in Eastern Europe, the hopes for democracy in China, and the triumph of democracy in Nicaragua. In witnessing these events, we have seen symbols of America transmuted by the populations of these countries.

For example, in China, the goddess of democracy was inspired by our own American muse, the Statue of Liberty, whose proud anniversary we celebrated in 1986. And students standing on the crumbling Berlin Wall sang the songs of the American civil rights movement. However, while populations the world over imitate our American ideals and icons, the institutions dedicated to preserving those images and ideas are at grave risk. I refer to America's museums.

Menacing America's museums are two factors. One is the disastrous consequences for American museums of the Tax Reform Act of 1986, which places gifts of appreciated property and objects into the alternative minimum tax category. Most American museum directors have witnessed significant declines in the numbers of objects donated and a commensurate decline in gifts of appreciated property.

On the other hand, there are those who would seek to eke out a few meager dollars from the operations of related museum shops. So at the same time that we have been urged for the last 10 years to privatize, the results of privatization is now becoming increasingly impossible. Therefore, the Institute for Museum Services, the National Endowment for the Arts, and the National Endowment for the Humanities become even more critical.

I would like to show you the type of objects which are in our collections and which we want future generations to enjoy as much as we have. Here I have—and I am using two objects, not one, from our collection to represent two groups of American citizenry. This is a early 20th century Hanukkah goblet whose base unscrews to act as a candleholder. I also have here—and let the record show I did not damage the collection—a late 19th century christening dress from our collection.

Now, while we get funding for exhibitions utilizing these objects—for example, we are giving shows "To Love and To Cherish", the history of the wedding in America. We are doing an exhibit on "A Long Island Childhood," and we will be doing a show called, "Traditions," the Jews of New York and Long Island—it is extremely difficult to get private sector corporations to fund conservation. The only places that do this are federally funded agencies, particularly the IMS, and the National Endowment for the Arts also supports conservation efforts.

Therefore, this year funding, continued funding and augmented funding for these agencies, is absolutely critical. This funding will enable our children and our children's children to enjoy and to see the Conestoga wagons which traversed America, the paddle boats which navigated our virgin waterways, and the first fragile airplanes with which Americans soared heavenward.

Thank you.

[The prepared statement of Dr. O'Sullivan follows:]

PREPARED STATEMENT OF DR. O'SULLIVAN

Mr. Chairman and members of the subcommittee, my name is Judith O'Sullivan. I am the President and Chief Executive Offier of the Museums at Stony Brook, New York, Long Island's largest privately supported museum complex. I appreciate the opportunity to testify on behalf of the American Association of Museums regarding the reauthorization of the Institute of Museum Services, a matter of vital importance to the future of those institutions that preserve and interpret our national heritage.

The Museums at Stony Brook house incomparable collections of American art, costume, and material culture. Among our many treasures are the best documented extant examples of American vernacular architecture, the homestead of the noted artist William Sidney Mount, who often depicted it in such seminal studies as *Dance of the Haymakers* (also in the collection of the Museums at Stony Brook); a 19th-century one-room school house, in which we conduct classes for today's school children; an encyclopedic archive of American clothing and carriages, including the spectacular riding habits and accoutrements featured in the Metropolitan Museum of Art's *Man and the Horse* exhibition; and wildfowl decoys, miniature rooms, toys, and furniture to suit every age and taste.

Nineteen eighty-nine and 1990 witnessed extraordinary world events, all inspired by the American democratic experience. The year in which the bicentennial of the French revolution was celebrated the world saw the renaissance of democracy in Eastern Europe. And this year, the democratic movement has triumphed in Nicaragua.

The power of American symbols to inspire the citizens of the world was demonstrated by the sights and sounds of the international democratic movement. In Tiananmen Square, fore example, Chinese students erected a "goddess of democracy" inspired by our Statue of Liberty, whose proud centennial we celebrated in 1986. And on the crumbling Berlin Wall, and throughout Eastern Europe, students sang the songs of our Civil Rights movement.

But while our ideals are celebrated abroad in statue and in song, the American institutions that preserve their visible manifestations are at grave risk. Provisions of the Tax Reform Act of 1986 have had a documented disastrous effect on donations of both objects and dollars by individuls to American museums. Continued federal support of the preservation and interpretation of our national culture has become even more critical.

It is propitious that the international movement for democracy has triumphed at the same time that we are considering reauthorization of the National Foundation on the Arts and Humanities Act. As the world anlyzes and interprets the American experience, it is vital to preserve our past and to document our present.

Among those institutions committed to the preservation of our cultural patrimony is the Institute of Museum Services. Each year, the IMS provides, through a nationwide competition, small amounts of "leveraging" money for general operating support and for conservation. At the Museums at Stony Brook, such awards have made possible accelerated programming for Long Island's richly diverse ethnic audiences through General Operating Support, as well as long-range plans for collections care and management and the immediate treatment for endangered items in our large and varied collections of American through Conservation Project support. Among the many items in our collections are clothing and ritual objects used to makr major milestones in American family history. I have with me today, for example, a late 19th-century christening gown, and an early twentieth-century Hanukkah goblet, the base of which contains a candleholder and oil wicks for holiday observances. Also in our collections are wedding gowns of every description, as well as children's clothing, costumes of sport, fine fashions, and everyday apparel through which can be traced the history of the family in America. Such history is, at the Museums at Stony Brook, accessible to the community by means of exhibitions, including our forthcoming shows, *To Love and to Cherish: Rituals of American Courtship and Marriage, A Long Island Childhood, Traditions!: A Jewish Life in New York and Long Island*, and *American Beauty: The Feminine Ideal.*

While popular exhibitions are often of interest to corporate and foundation funders, however, conservation of the treasures to be presented in such shows is seldom appealing to underwriters. The reason for this is simple. Conservation, if properly performed, is a largely invisible activity which restores an artifact, as closely as possible, to its original condition, providing an historically accurate window on the past. Invisibility is seldom the goal of the underwriter, which is often the public relations office of a major corporation.

While conservation is not consonant with private sector public relations priorities, it is of paramount importance to understanding our country's past, and, therefore, of special imporance to those federal agencies whose missions include the preservation of our cultural patrimony. Primary among these agencies is the Institute of Musuem Services, which provides conservation assessment, survey, and implementation funding unavailable elsewhere.

At the Museums at Stony Brook, the Institute of Museum Services in 1989 made possible emergency conservation treatment of three vehicles in our carriage collection: a unique 18th-century phaeton, an 18th-century Berlin coach, and a 19th-century Bavarian coach. The phaeton (ca. 1780), was imported from France and used by American Revolutionary War hero General Peter Gansevoort. The Berlin coach is one of the few examples of an 18th-century aristocratic coach on public exhibition in an American museum. And the Bavarian State coach, which once belonged to Prince Adebert of Bavaria (1818–1878), the youngest son of King Ludwig, provides an instructive contrast to American carriage-making techniques.

The Institute of Museum Services also awarded in 1989 a conservation grant to the Museums for a two-part conservation survey of exhibition and storage facilities, as well as a study of the Museums' archives and library. These surveys will serve as the basis for a long-range conservation plan for the Museums.

Through the Museum Assessment Program (MAP), a unique program funded by the IMS and administered by the American Association of Museums, the Museums at Stony Brook received a MAP II grant enabling us to bring to the Museums outside evaluators to counsel our staff on collections managment issues.

I urge the members of this subcommittee not only to reauthorize this pivotal agency, but to augment substantially its modest budget, so that museums from coast to coast, small and large, rural and urban, might preserve for our children and their children such artifacts as the Conestoga wagons in which our pioneer forefathers transversed America, the paddle boats which navigated our virgin waterways, and the first fragile aeroplanes in which our ancestors soared heavenward.

Senator Pell. Thank you very much, all of you, for your testimony. I particularly appreciate Dr. O'Sullivan's. What are the other white gloves for that I see.

Dr. O'Sullivan. Those are in case you all want to handle the objects. If anyone would like to, here they are. They are also mementos of my visit for everyone seated up there.

Senator Pell. Thank you.

I must say I agree with you on conservation. For many years, I have been trying to push the cause of conservation because we lose more art objects each year to decay and poor climate control, than we create. And it is a losing battle. I had hoped that the Smithsonian would take hold of the idea of conservation and take the lead in it as the museums' museum for the Nation. My ambition is that they would have a center with maybe 100 people in it in a 2-year course, graduate about half each year, and fan these conservators out across the country. But they have not shown any great desire to move in this direction, and I have regretted it. I think that we have now, as you know, very few institutions that focus on graduates in conservation. I think NYU has some. And what other ones do it?

Dr. O'SULLIVAN. Cooperstown does some conservation, and Winterthur.

Senator PELL. Teaching. What other institutions teach conservation?

Dr. O'SULLIVAN. Winterthur.

Senator PELL. Winterthur. Well, we have three in a Nation of 250 million. We should do a great deal more in conservation. But I have tried to carry the torch on this for 10 or 15 years, but there has been great lack of enthusiasm, to my regret. Maybe we can do it again. In the 30 years I have been here, many things just come again and go again and come again.

I would like to ask Mr. Klyberg, having a constituent interest in this, how has the Rhode Island Historical Society made use of the IMS funds that you have received?

Mr. KLYBERG. We have used them in several ways, one of them being in conservation. We had a number of our paintings that went out to various conservators in the area. We have also used our IMS grants to try to expand our audience, to beef up the number of brochures we are able to print, to be able to put out better press releases. During the 1986 350th anniversary of Rhode Island, we used some IMS money to hire a writer to do a newspaper history of Rhode Island which appeared in 12 installments in 15 newspapers around the State as part of the recognition of the State's 350th period. So we have used it both for collections and also for audience expansion.

Senator PELL. Touching on your point of conservation, they are sending out paintings to those in the area. Do we have any conservators in Rhode Island?

Mr. KLYBERG. Not in Rhode Island. We have sent things down to the Lyman Allen Museum in nearby Connecticut and up to Williamstown. Those have been the principal places.

Senator PELL. This is an excellent example of just what I was saying. Here we are a State of almost a million people, and we don't have any professional conservator within our State.

Mr. KLYBERG. The only thing that approaches that is Brown University that has a paper conservator at the John Hay Library, but as far as paintings are concerned, I don't know of any within the State.

Senator PELL. So I think that illustrates the need and the lack of response to that need for better conservation facilities.

I think all of you, the panelists who are here, heard the earlier discussions about the general operating support program. Do you share the views that the General Operating Support should be the prime focus of the Institute's programs? I will ask each of you. Al.

Mr. KLYBERG. Yes, absolutely. I think that it has been one of the great contributions of the Institute, and I would just like to see it expanded, if at all possible.

Senator PELL. Mr. Bloom.

Mr. BLOOM. I share the view completely. It is so much harder to get money to keep the lights on than it is for an imaginative project. We truly need general operating support.

Senator PELL. Mr. Hague.

Mr. HAGUE. The same. I fully support that as well. I think the GOS money for us has meant being able to take advantage of opportunities, although it is supposed to pay for the lights, as Mr. Bloom said. But at the same time, we have found that by having that available, we have been able to leverage it, able to challenge it to donors and other people to be able to say that if we can get this would you give us some additional money. So it has leveraged itself in many ways for us.

Senator PELL. Dr. O'Sullivan.

Dr. O'SULLIVAN. I absolutely concur. But as I said when we were discussing this this morning, a lot of criticisms occur because the pie is so small right now. And as Peter Kyros said, the only way to have a bigger piece of the pie is to bake a bigger pie. So we are hoping you all will do that.

Senator PELL. Right. The four of you really agree. The emphasis should be on general operating support.

Dr. O'SULLIVAN. Absolutely.

Senator PELL. What about conservation? Do you think more money, some of that money ought to go to conservation? Or would you like to see it stay as it is?

Mr. BLOOM. You are putting us in an unfair box, Senator. The general operating support is so small we can't spare any of it.

Senator PELL. I guess I am disturbed because there has been so little response, in Government and out of Government, to my plea and call for increased attention on conservation.

Now, in connection with the current application form for general operating support grants, apparently it is being worked on now, but do you feel it can be improved in any way or left as it is? This is the document. Mr. Klyberg.

Mr. KLYBERG. I don't see how it can be changed if that is going to be the only vehicle to tell your story. And I think it is regrettable that it takes us as long as a hundred hours to prepare it. But we found that that was necessary in order to give a good picture of ourselves.

Senator PELL. I noticed in your testimony you said it took a hundred hours, and I forget the number of dollars.

Mr. KLYBERG. Well, about $3,000 worth of effort, yes.

Mr. BLOOM. I think modest improvements could be made, but generally speaking it has to be as comprehensive as it is. And I don't blame IMS on the form. I think the form does me a lot of good filling it out and thinking about myself.

Senator PELL. Sort of like the income tax. Mr. Hague.

Mr. HAGUE. Certainly, the age of computer disks now affords us the opportunity to upgrade those bits of information, and I would hope that IMS itself could maybe recognize that in the future we will be submitting things that are based upon upgraded copy without having to put in the $3,000 worth each year.

Senator PELL. Dr. O'Sullivan.

Dr. O'SULLIVAN. I am going to speak from a somewhat different position. Years ago, in another incarnation, I was director of the State Humanities Council of Maryland, and one of the things we did, based on thousands of grants coming in, was simplify the form. When we first did this, cries were raised that, oh, we won't be able to tell our entire picture. I don't think anything is ever improved by complication, and I think simplification almost is always good.

I think there is a certain redundancy in the form as it now exists, and I would like to see that eliminated. I think the form could be substantially simplified.

Senator PELL. Thank you.

Now, have any of you received from the Institute a grant for conservation?

Dr. O'SULLIVAN. Yes. We have received three types of conservation support. We have received Museum Assessment Program II grants for a general conservation survey of our museum, which would form a foundation for long-range planning. We have also received conservation grants for three vehicles in our collection, one of which is General Gansevoort's phaeton; another one is a Bavarian coach which provides an instructive comparison between Bavarian and American methods of carriage building; and the third is a 19th century aristocratic coach. Again, we could not have obtained this money anywhere.

When you talk about conservation, Senator Pell, I am reminded of when I used to work for the American Film Institute, at the very beginning of my career. One of the hypotheses we started out with was that the film community, whatever that was, would support conservation of nitrate film. But as we know and as you know from the legislative process, that was not forthcoming for various reasons. For one thing, the early motion picture companies, such as Vitagraph and Monogram, no longer existed. So this problem went on for years and years. And I guess it was 4 years ago when the Congress created the National Center for Film and Video Preservation, there being no other moneys anywhere for this purpose. So I would support your efforts to launch major conservation efforts for museums.

Senator PELL. Thank you very much.

Addressing Mr. Bloom, who is president of the AAM, perhaps you could offer some thoughts, comments on our earlier discussion concerning accreditation. Apparently, very few of the Nation's museums are seeking to be accredited for one reason or another. Does it perhaps give too much power to the AAM, being the accrediting authority? I would be interested in your own thinking on this.

Mr. BLOOM. I wouldn't make accreditation the sole criteria for getting an IMS grant, but I think it could be a factor. Because, after all, accreditation does represent an on-site visit by peers, and that is a lot different than a piece of paper that you write about yourself.

Senator PELL. I am sorry. What was that again?

Mr. **Bloom**. It is different than a piece of paper you write about yourself—a grant application is.

Senator **Pell**. Right.

Mr. **Bloom**. So I think there is a role for accreditation. I certainly wouldn't establish it as a standard where no one who is not accredited could get a grant. But I think, as Al said, ten points veterans preference or something for people who are accredited is certainly reasonable.

Senator **Pell**. Of course, with the Civil Service, it gets out of hand. A wounded veteran comes out 110 percent.

Mr. **Bloom**. I think we can adjust.

Senator **Pell**. The number of museums that are accredited now, as I understand it, is——

Mr. **Bloom**. Roughly 600 accredited museums.

Senator **Pell**. Six hundred are accredited now.

Mr. **Bloom**. And there are roughly 6,000 on paper in the United States.

Senator **Pell**. Six thousand museums, some of them very tiny.

Mr. **Bloom**. Some of them very, very tiny.

Senator **Pell**. Do most museums belong to the AAM or not?

Mr. **Bloom**. About 2,700 belong to AAM.

Senator **Pell**. What is the reason why they all don't? The expense of joining?

Mr. **Bloom**. No, I don't believe it is the expense. I believe that some within the 6,000 are very, very small institutions.

Senator **Pell**. What does it cost to join the AAM?

Mr. **Bloom**. I would have to defer to Mr. Able.

Mr. **Able**. The minimum, Senator Pell, is $75. And then for a large museum, it is a tenth of one percent of your annual budget.

Senator **Pell**. Could you identify yourself, sir?

Mr. **Able**. Ed Able, executive director of the AAM.

Senator **Pell**. Thank you very much.

Are there any reasons why a museum might consider it an advantage not to be accredited, not to join, not to be accredited, be completely independent? It still would get the tax exemption, I would think.

Mr. **Bloom**. I cannot think of a reason why someone wouldn't want to try to be accredited. I think perhaps some people are afraid of the process. Some people see the process as long and complicated. It is a comprehensive self-examination, of course. It does require a certain amount of effort.

Senator **Pell**. Do any of you have any thoughts with regard to security? We touched on this earlier with Mrs. Murray. It would seem to me when you go to the average museum that security is very weak; indeed, if somebody wanted to slash or cut a painting or furniture, it would be very easy. I was just curious if any of you had any thoughts on this.

Mr. **Bloom**. Without more money, we just pray.

Mr. **Klyberg**. I think that is so. I think that one of the wonderful things about GOS is it does enable you, if you get a grant, to reallocate various priorities, and I am sure a number of museums will be doing that in the area of security. But there also are staff salaries which are just as important and the conditions of the buildings and the care of the collections, as well as all the outreach to get people in to enjoy it. So it is kind of hard to make those choices. Perhaps it is better left up the individual museum when they get a GOS grant to make that allocation on their own merits.

Senator PELL. Dr. O'Sullivan.

Dr. O'SULLIVAN. Well, in terms of a security system, you don't just purchase it. It is a very, very expensive proposition, and I think we are all sitting here with our fingers crossed that nothing happens in our absences. But you don't only purchase the security system, you have to have guards to man it if you are having it 24 hours. And there is a whole kingdom of expenses that comes with upgrading your security system which would be well in excess of the GOS top limit of $75,000.

Hopefully, there would be some place somewhere from which money would be forthcoming, but it is a critical problem for American museums. Your observations are right on target.

Senator PELL. Good. Well, I thank you all very much, indeed, for being with us. We may have some further questions that we will submit to you in writing for the record. We want to get as solid a record as possible.

Senator PELL. As I said earlier, I hope that the Museum Services Institute will be the bell-ringer for the various arts programs that come up.

I will do my best to try to see that a bigger pie is baked, but it is going to take a lot more than me. And I particularly repeat my congratulations on the excellent way that Mrs. Murray, has taken over and handled the Institute.

[Additional statements and material submitted for the record follow:]

LETTER FROM MR. AND MRS. JOHN HARTZELL

INDIANAPOLIS, IN.,
April 9, 1990.

DEAR SENATOR RICHARD LUGAR: I do not want my tax dollars spent on obscene, pornographic or anti-Christian "art" exhibits.

I urge you to vote to cut out all funding of the National Endowment for the Arts. The NEA admits that it cannot and will not monitor which artists and which exhibits will receive its grants. That being the case, the only way to safeguard my tax dollars is to remove all government funding of NEA.

The NEA's funding of porn movie star Annie Sprinkle's obscene live performance at the Kitchen Theater in New York is the last straw.

I look forward to seeing how you represent my tax money in this situation.

MR. AND MRS. JOHN HARZELL

NEWS RELEASE FROM THE INSTITUTE OF MUSEUM SERVICES

NATIONAL MUSEUM SERVICES BOARD RECOMMENDS CONTINUED FEDERAL SUPPORT FOR MUSEUMS

The National Museum Services Board (NMSB), the policy making arm of the Federal Institute of Museum Services, unanimously adopted a resolution in support of the President's proposal for reauthorization of the Institute of Museum Services, the National Endowment for the Arts and the National Endowment for the Humanities. The resolution was adopted on April 27 at the 46th meeting of the NMSB. The reauthorization proposal is currently being considered by Congress.

RESOLUTION

Be it resolved that, The National Museum Services Board

RECOGNIZING that the Institute of Museum Services supports the Nation's museums in partnership with other Federal funding agencies, and

FURTHER RECOGNIZING that it is these agencies' combined support that aids institutions in their essential preservation of our patrimony and education of our diverse citizenry,

THEREFORE SUPPORTS the President's position regarding reauthorization of the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum Services.

The NSMB is chaired by Willard L. Boyd, Director of the Field Museum in Chicago. The fifteen NMSB members are Presidentially appointed and confirmed by the Senate, they are selected based on their commitment to the continued health and vitality of our nation's museums. A list of NMSB members is attached.

The Institute of Museum Services (IMS), an independent federal grant making agency, was established by an Act of Congress in 1976 to increase and improve museum services. The IMS is unique in that it provides general operating support to the full range of museums: Zoos, botanical gardens, science and technology centers, arboretums, history and art museums, historic sites and children's museums.

LETTER FROM THE ASSOCIATION OF ARTS ADMINISTRATION EDUCATORS

BROOKLYN COLLEGE, THEATER DEPARTMENT, BROOKLYN, NY,
April 18, 1990

The Honorable CLAIBORNE PELL, *Chair*
Subcommittee on Education, Arts and Humanities
United States Senate, Washington, DC.

DEAR SENATOR PELL: As an officer of the Association of Arts Administration Educators, I believe that I am representative of a diverse nationwide membership of faculty members and thousands of students and alumni. I strongly urge that you, a member of the Subcommittee on Education, Arts and Humanities, vote in favor of reauthorization for the National Endowment for the Arts, with no content restrictions.

Further, I urge that the NEA appropriation be increased to at least $238 million for current programs in 1991, to keep up with inflation since 1981.

And I recommend that the NEA's peer panel review system be maintained as it now exists.

The NEA has served during its brief history as a vital catalyst for meaningful artistic creativity and appreciation. The benefits it has bestowed on millions of Americans far exceeds its meager budget. It is a beacon symbolizing freedom of expression throughout the world.

A vote in support of the NEA is a vote in support of a civilized America!

Sincerely,

STEPHEN LANGLEY,
Vice President

P.S. It may interest you to know that, in recognition of all your work in support of the arts, I have quoted you and acknowledged your accomplishments in the new edition of my book, *Theatre Management & Production in America*, which is widely used as a standard college textbook. Keep up the fine work!

PREPARED STATEMENT OF JENNY HOLZER, HOOSICK FALLS, NY

It is freedom and tolerance that have long distinguished this country: Freedom to practice what is right and good, freedom to expose what should not be, and freedom to celebrate diversity.

It is our freedom and our acceptance of the rights of every person that are threatened by the recent restrictions imposed on artists and on the NEA. Each American has his or her freedom of expression guaranteed by the Bill of Rights. It is particularly disturbing that artists who can distill the beauty of our culture, who spotlight its complexity, and who can unmask it reprehensible aspects, should not be allowed to portray exactly what they see. Artists show everyone what is, what could be, and what never should be. Contemporary art revels the sublime and the unspeakable so that the audience can enjoy what is perfect and can confront what disturbs. It is not art's function to help people sleep.

Our country thrives on, and literally depends upon knowledge of the facts and a vision of how to use these facts to shape a better reality. People must be free to look around them and to act intelligently on what they observe. It is embarrassing and self-defeating for a country with our tradition of liberty to restrict the freedom of artists. Our culture has been the envy of many. Recent events have shown that citizens of other countries will take terrible risks to realize the freedom we possess. We must not lose our traditional rights. Artists should be encouraged to tell the truth and must not be prohibited from doing so. The NEA must be reauthorized with no restrictions on content or subject matter.

ARTICLE FROM MODERN LANGUAGE ASSOCIATION

As I write, a good law is going through some hard times. In 1965, the United States Congress passed this piece of legislation, Public Law 89-209. It created the National Foundation on the Arts and Humanities, a body with two wings: A National Endowment for the Arts, a National Endowment for the Humanities. Many of us have received NEH grants, joined NEH seminars, served on NEH panels. We have enjoyed the art the NEA has supported. These goods have been inexpensive. The endowments cost each United States resident about $1.32 per year.

For the endowments to continue, Congress must "reauthorize" them periodically. In practice this has been once every five years. 1990 is such a year. Both the House of Representatives and the Senate are now deciding whether to maintain, change, or end the endowments. Obviously, their debates, negotiations, and votes matter for the arts and humanities. As obviously, this process is political. It shows a government in action.

As a citizen with tax levies that line the stream of my paychecks, I want my government to act wisely, equitably, justly, efficiently. As a humanist who has earned these paychecks by being an English professor, I have had my ups and downs with the NEH. Have not many of us? Given the arguments within the humanities today, given the humanist's traditional belief in argument, it would be astonishing if every MLA member greeted every NEH decision with rapture.

Nevertheless, the 1965 law has been wise, equitable, just, and efficient. This is so, I believe, because of four principles that the law explicitly or implicitly embodies:

1. The arts and humanities are important enough for government support. In 1965, some designers of the NEH and the NEA feared that if the only learning the government supported was scientific, the nation would tilt toward technocracy.
2. To be sure, significant works of art and scholarship have emerged from a jail cell. Nevertheless, creativity best flourishes in a democracy when creativity is free. People in power should suspect their power go govern the arts and humanities, a skepticism the study of history breeds and reinforces.
3. The arts and humanities can be difficult and offensive. Neither the vigorous imagination nor the rigorous intellect dispenses Hostess Twinkies. The arts and humanities offer satanic verses as well as pastoral views. The endowments, then, must offer the arts and humanities a protection similar to that afforded free speech by the First Amendment.
4. The endowments must be accountable for their use of government money. However, they cannot use content, what a work says or is about, as a criterion for judging whether a work deserves funding or not. That would lead to censorship. Instead, the endowments will use the excellence of a piece of work, its significance, how it displays the skills of the worker, as criteria for judgment. Peer-review panels will apply these to specific grant proposals. Panels will also seek a range of work.

In November 1989, Pat Williams, the chair of the House Subcommittee on Postsecondary Education, stressed this point at a hearing about reauthorization: "The authors of that original legislation took extraordinary care to ensure that Federal support would not involve Federal control. Indeed, the language forbids government control over, among other things, the content of work supported."

If common sense and the old saw "If it ain't broke, don't fix it" were to prevail, the 1990 reauthorization hearings would be pro forma. Regrettably, common sense is fragile; old saws get left out to rust. The endowments are now on public trial, even a show trial. This is especially true of the NEA, but, like siblings, the two endowments are legally conjoined. Like siblings, each has its individual identity, but they share a home as well, that public law.

Some people grouch that the government should never have got into the "arts and humanities business' in the first place. Congress was wrong in 1965. It can correct itself in 1990 and, at long last, do away with those endowments.

Other people, probably more powerful, insist that if the government is to stay in the arts and humanities, the endowments must correct certain of their ways, right now. The best-known spokesperson for this group is Senator Jesse Helms; his best-known move the "Helms Amendment," which he proposed in July 1989 and which would have severely restricted endowment activities.

The Helms Amendment failed. However, during the summer of 1989, Congress did pass three measures that are in effect until the reauthorization of 1990. First, they create a panel to evaluate the peer-review process. Next, they strengthen endowments' control over and accountability for regrants, in which the endowments give an institution with specialized knowledge (for example, the Newberry Library) a lump sum to allocate to individuals. finally, these measures prohibit the endowments from promoting, disseminating, or producing materials that might be considered "obscene, including but not limited to, depictions of sadomasochism, homoeroticism, the sexual exploitation of children, or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific value."

I fear the damage to the endowments if reauthorization were to make such prohibitions permanent. They are far more than harmless restatements of constitutional bans on obscenity. The amendment I have cited runs together sadomasochism, homosexuality, child abuse, and active sexuality as equally grave, equally dangerous pollutants. All become marks of disgusting people, a rancid and malicious belief. My MLA colleagues know how conceptually treacherous it is to label whole categories of art, culture, and scholarship "sick" or "perverted"; how historically dangerous; how psychologically painful.

Moreover, such prohibitions are censorious. Perhaps X will still paint if the government X-rates him or her, but X will have lost some livelihood and gained a stigma. Shunning X, brushing X off, my government will have stripped the palette of freedom of another color.

In August 1989, Victor Brombert, then MLA president, and I wrote to MLA members about the Helms Amendment. Their letters to Congress, overwhelmingly opposed to the amendment, were eloquent, reflective, and persuasive. I hope that MLA members will now write again to their elected representatives in Congress—if they have them—not about a specific amendment, but about the reauthorization of the endowments in general. I have spent much of my career asking us to reread, to review our texts and textual practices. Texts do live because we read and reread them. Rereading the law that authorized the NEA and the NEH has a vivid salutary effect. This text needs no major redrafts, no overhauls, no rewrites that would pinch its faith in art, scholarship, and culture and in the ability of a democratic government to fund these activities with spirit and aplomb, without resort to atavistic fears.

CATHERINE R. STIMPSON,
President, Modern Language Association

PRESS RELEASE FROM THE AMERICAN FEDERATION OF ARTS, NEW YORK, NY

THE AMERICAN FEDERATION OF ARTS (AFA) SUPPORTS THE NATIONAL ENDOWMENT FOR THE ARTS

"As the nation's oldest and largest not-for-profit art museum service organization, with approximately 600 members museums throughout the United States, the American Federation of Arts (AFA) can attest to the essential role the National Endowment for the Arts has played in fostering the growth of the arts and arts institutions in all fifty states," states Robert M. Meltzer, President of the Board of Trustees of the American Federation of Arts.

At the recommendation of the Trustee Committee on Public Policy, the AFA is urging its institutional and individual members to contact their Congressmen directly to endorse the reauthorization of the NEA without restrictive language.

The AFA agrees with the President that legislation which contains no content restrictions will best serve the American public. "We salute President Bush's stance against censorship, and applaud his recognition of the unique role played by the National Endowment for the Arts in the cultural well-being of our nation," continues Mr. Meltzer.

"We must work to offset the intense anti-NEA lobbying efforts by censorist groups," adds Myrna Smoot, director of the AFA. "They are misrepresenting and distorting the overwhelmingly good record of the Endowment, which has been a model of rectitude and inspired support since its creation twenty-five years ago."

The AFA affirms that all Americans are richer for projects supported with funds from the NEA. The wide range of institutions, artists and exhibitions which have earned NEA funding parallels the invigorating diversity of the United States itself. further, the AFA believes that the positive lead taken by the NEA has encouraged the private sector to provide sponsorship for the arts, further guaranteeing the accessibility of the arts to citizens of all backgrounds, beliefs, and economic status.

PREPARED STATEMENT OF SANFORD HIRSCH, NEW YORK, NY

You have heard many people relate their concerns about a proper role for the government in funding the arts through the National Endowment for the Arts. I would like to add my voice, as someone who is an artist, curator and administrator of two grant programs. Let me state clearly that the Endowment is a great success, and probably the best example of a government agency using its funds to meet the goals congress intended. If you are intent on making changes, the one needed change is an increase in funding to the Endowment so it can continue to be a model of dedication and effectiveness for others.

The ongoing controversy which has developed from Senator Helms' stated concerns that taxpayer's money should not be spent to support what he and his followers claim is pornography has many frightening implications. The greatest danger is the precedent you would set by the imposition of government censorship on artists and other citizens. The topic you are dealing with is a grave and serious one; forgive me if I cannot reduce my views to a thirty-second "sound bite". The result of your deliberations is of far greater importance than Congressman Rohrbacher's latest attempt to minimize it by rhyming censorship with sponsorship would imply. The clear intent of a few members of congress is to censor the views of artists and millions of other citizens. That they seek to gain this result without mentioning the word censorship is no surprise. Still, their intentions are clear, and the demands which would follow that initial step down the road toward repression are of such great consequence that President Bush himself has seen fit to state clearly that there is no room for government censorship in the NEA. I support and applaud his stand.

Some of you may feel there is room for compromise on this sticky political issue. You may view the language added to the current appropriations bill as an example of such a compromise. If that is your suggestion, I implore you to look at the results of that language. It has created an atmosphere of fear, confusion and repression among artists and experienced administrators of arts programs across the country. The results have been so bad that Congressman Yates, who wrote the language, recently, and courageously, admitted it was a mistake. Some principles leave no room for compromise. Censorship is just such an issue.

I have always been moved by a story told by a friend of his visit to the Hermitage Museum in Leningrad a few years ago. As he was walking through the galleries, a man approached him and whispered a dangerous request. My friend was asked if he was from America, and whether he had seen the paintings of some modern artists. When my friend answered that he had, the man pleaded with my friend to describe them, since the government did not allow the exhibition of that kind of painting.

The point has been raised repeatedly, and it is important to keep in mind. This year, many of the people of Eastern Europe, who have first-hand experience of censorship and state-sponsored art, have finally succeeded in declaring their independence. For years they invested their hopes and dreams in a system like that of the National Endowment; they drew inspiration from the fact that such a system exists and functions in such a way as to promote the creation and exhibition of works of art based on artistic merit alone, and not on commercial viability or government-imposed standards. Consider whether we can we afford to throw this vital asset away. Will the symbolic importance of acting to limit the endowment, to make it a censor rather than a promoter of individual expression, be lost on the rest of the world? Isn't it more in keeping with the spirit of this country that we continue to be a source of encouragement to those who can only dream of freedom?

We need to recognize the difference between artistic expression and political discourse. An artist, and an artists work, speak only for that individual. Even when the work produced by that individual deals with political subjects, it does so as nothing more than the expression of that individuals thoughts, consideration and beliefs. It is not an attempt to define issues, but to present viewpoints. An artist at work, like a scientist conducting research or a philosopher examining a set of ideas, must be free to indulge his or her intuition. In each of these disciplines, it is the freedom to explore which leads to creativity. The principle would probably be better explained by a Soviet research scientist than by me. However, artists attempt to expand the boundaries of consideration beyond goal-oriented thinking. This is a continual practice which does not aim to resolve issues, but to expand and study them at great length. Because this is the heart of the arts, the discussions you are engaged in pose a direct threat to the very existence of a vital arts community in this country.

Political discourse, like that which has colored this issue for the past several months, serves the opposite role. It attempts by its very nature to persuade one group to adopt the considered program of another. It is simply wrong to confuse the two, or to assert that an artist or any individual voicing his or her own opinion, no matter how unpopular, poses a threat to society. In establishing the National Endowment, congress recognized that distinction. In doing so, it determined that government support for the arts must be decided on the artistic merit demonstrated by the artist or project. That determination to support the free exploration of ideas and beliefs, as the best example of a diverse and strong national culture, has succeeded and deserves to be reaffirmed.

Consider how thorough the review process is which determines NEA fellowships and awards. In order for any grant to be approved, an application must pass review by staff, peer-panels, the National Council and the chairman. In other words, the artistic merit of each prospective applicant for a grant is judged by at least four levels of experts. Each reviewer, at each level, represents a different community and its values. Each year, different individuals from different parts of the country and with different backgrounds are asked to make those judgments. It is a system carefully crafted to insure that all points of view are heard; not that any one point of view be given precedence over others.

If a grant is awarded, there are yet other review procedures which come into play to determine whether or not any individual work of art will be exhibited. This process always begins with the request of a local community, expressed through its museum board and director, or theater board and producer, or various other means. The point to keep in mind is that for any work of art to appear in any community there must first be a request from members of that community to see that work of art. The Endowment has no mechanism by which it can impose its will or judgments on anyone.

The question in determining a proper role for the NEA, then, is not whether to so limit the type of work which is fundable so that it will be inoffensive to anyone in any community. Clearly, there will always be differences of opinion and some of them will be heated and extreme. What the process must insure, and I believe it does, is a fair and open review of the artistic merit of the many individuals and works presented in each year.

The exhibition of works of art in a given locale has nothing whatsoever to do with the NEA. The community members responsible for bringing exhibitions to their area do so in the proper exercise of their professional judgment, and are held accountable by the community based on their level of performance. That is, after all, the professional responsibility of museum directors, theatrical producers, members of their boards of directors and all who exercise judgments on behalf of the public. In the most extreme cases there is recourse to the courts. This may not be a pleasurable experience, but if we are to be a free society under law then we must allow our system of laws to function so as to give each citizen his or her proper hearing. To subordinate these carefully considered processes of government by imposing a preemptive role on the National Endowment is to censor the rights of millions of citizens.

My fourteen years of experience in selecting, convening and moderating review panels has given me some insight into the peer-panel system which I would like to share with you. Like any of us, the first decision of a panelist will be to establish a basis for passing judgment on the art of others. To do this, we suspend the preferences on which our day-to-day choices are made so that we can provide a fair and honest review. Consider, at this point, what the impact of restrictive language is on a panelist who has prepared him- or herself to begin to review an unusually large number of applicants for a relatively small number of awards. Restrictive language. like that now in the appropriations bill. becomes the primary basis for all subsequent decisions. It makes the process one which first judges all aspects of all proposals for their "moral" safety, and then decides which of those safe projects is to be selected. The injection of proscriptive language into the review process unalterably skews the entire process. If restrictive language becomes part of the Endowment, the peer-review process itself will become the censor.

The point I am trying to make is that a fair and equitable system already exists. It is one that congress put into effect twenty-five years ago in order to ensure thorough and open-minded review of all applications for assistance. It recognizes the diverse communities which make up this country and allows them an equal voice in the process of making decisions. And it works extremely well. What it does not allow, and can not allow, is the censorship of any point of view simply because another point of view exists.

Finally, consider who the people are that are most affected by your actions as you consider reauthorization of the National Endowment for the Arts. They are artists, arts professionals and those millions of others who derive understanding and inspiration from their involvement with the arts. It is those people, and those who will in the future take pride in their American culture, who are served by the Endowment.

In closing, I need to point out the unpleasant alternatives which are the result of the censor's actions. I ask you to compare the following statements to those which you have heard recently from individuals who would have you make a censor of, or do away with, the NEA:

"A law which is so far removed from the conception of the community of the people is in need of reform. . . . We suffer today from an excess of culture . . . we need a reform in the sphere of art, literature and the theater. The government must see to it that its people is not poisoned. There is a higher right which is based on the recognition of that which harms a people, and that which harms a people must be done away with."

"One condition is essential: art must be the Prophetess of Sublimity and Beauty and thus sustain that which is at once natural and healthy . . . if it does not, then every mark spent upon it is money squandered. For in that case art is not an element of health, but a sign of degeneration and downfall. . . . And let no one talk of a 'threat to the freedom of art'. Just as one does not permit a murderer the right to slay the body of his fellow man for fear of having to interfere with his freedom, so it is out of the question to concede to another the right to kill the soul of a people solely in order that no check may be placed upon his dirty and ungoverned fancy."

These words of Adolf Hitler echo in the accusations being made against my fellow artists. I would caution those who have engaged in campaigns of distortion and those others who have destroyed books of artists works to be more careful of the kinds of messages they send. Unless they agree with the late Mr. Hitler, as they seem to, that "The people when it passes through these galleries will recognize its own spokesman and counselor: It will draw a sigh of relief and express its glad agreement with this purification of art."

I raise this specter to share with you my fears about the kinds of processes which have been tolerated and the dangers they foreshadow. Slogans are simple, but they do not present issues.

Does the Endowment impose its will on people? Of course not. Is it reasonable to charge it with elitism because it employs people who are knowledgeable in their field to make decisions? No, again, for this is simple common-sense. Is it sensible, then, to impose major restrictive changes on the arts in this country based on the complaints of people, no matter what number, about works of art which most of them have not seen?

I urge you to keep the issues and facts and passions involved in your current review of the Endowment in their proper perspective. When you do, I'm sure you will agree with President Bush that there is no room for censorship at the NEA. You might even come to agree with me and my colleagues that what this great example of the best of America needs is more money to continue and expand its good work.

PREPARED STATEMENT OF SHAWN WONG, WRITER AND PROFESSOR, UNIVERSITY OF WASHINGTON, SEATTLE, WA

In 1981, at the age of thirty-one, I was awarded a $12,500 Creative Writing Fellowship in fiction from the Literature Program of the National Endowment for the Arts. The money was designed to enhance the careers of talented American writers. My first purchase was a wool overcoat. My second expenditure was to rent an office and use the money to buy time to write.

My fellowship came at a crucial time in my career as a writer. In many respects what was more important than the money, was the knowledge that fellow writers in the peer review process had chosen me. The following years, I have published more books and more significantly, I have not requested any additional support from the Endowment. Instead, I have worked very hard to try to give back to the Endowment my time and energy in assuring the process and the agency continue to help other American writers. For the past six years I have served as a peer review panelist for both the Expansion Arts and Literature Program.

I was in Washington, D.C. recently to voice my support of the Endowment. On the morning of March 20th in Washington, D.C., I was writing a speech in my hotel room to be delivered later that afternoon at a rally on the steps of the Capitol Building in support of the reauthorization of the National Endowment for the Arts. I had come to Washington to give something back to the Endowment which had supported my writing at a crucial time in my career. Each time I began to write my speech, only the issues, facts and figures floated by in dry succession. I grew up in that generation of Americans who heard great speeches and memorized lines from great speeches in Washington, D.C. What was I going to say? A unknown writer from Seattle, Washington nestled between such folks as Larry McMurtry, Susan Sarandon, Joseph Papp, Andres Serrano, Christopher Reeve, Alec Baldwin, Spaulding Gray, Olympia Dukakis and nearly two dozen other artists and arts administrators. Anything I said certainly did not have the impact of "famous celebrity speaking out." Indeed, the camera and microphones began to disappear minutes after the famous actors had made their statements. I had to introduce myself, my opinion as part of a larger constituency. Using Washington, D.C. as symbol of that larger constituency, my speech tells the story of an American son of immigrant parents, a common story.

In recent years trips to Washington, D.C. has always meant work to me, yet each time I've come to Washington I've found time to visit both the Vietnam and Lincoln Memorial as a symbolic gesture. The Vietnam Memorial is, of course, a symbol of my generation. Many of the names etched into stone would have been men and women my age now. The Lincoln Memorial is a place where I visit my father.

My father and mother both came to America from China on student visas in 1948. When the Communists took control of China in 1949, they became Americans. I was born in 1949 in Oakland, California. My father and mother died when I was young and when I think back on the brief overlap of years between us, I begin to think that everything we did had a symbolic meaning as if they knew my life with them would exist mostly in memory. Every photograph I have of them show them at ages younger than I am now. Among the photographs is one of my father standing below the statue of Lincoln. I remember, or the story has been told to me so often as a child that it has become a clear and vivid memory, that I said the statue of the seated Lincoln was my father. They were the same man.

I know over the years he made me repeat our story of the visit to the Lincoln Memorial and how I saw him seated in Lincoln's chair. He'd show me a coin with the Memorial and repeat the story himself. As an immigrant, the story, along with my birth in California, must have made it easier to say America was home. But even as precious as that memory was, my speech seemed to be a betrayal. I wrote, "I make my living in a language my parents weren't born to, in a culture they weren't born in. . . . In many ways my American voice as a writer is a betrayal of their identity but not their faith in America."

It's not enough to view the present controversy surrounding the Endowment as good vs. evil, morally right vs. morally wrong, Christian vs. anti-Christian. While the arts community sees the issue as censorship and violation of First Amendment rights, others have countered that government control does not prevent the production of so-called "obscene" works, it merely prevents the use of federal funds for its production. Unfortunately, the issue has already become one of censorship and I fear that if restrictive language is used in the reauthorization of the Endowment more forms of censorship will follow. For example, in Senator Helms' letter to the Comptroller General dated March 6, 1990 he cites possible "violations of law by the NEA." Included on the list are three Literature Program fellowships given to three lesbian writers. Having served on one of the panels that recommended the fellowships to those three authors, I know that Helms' objection must be solely based on the fact the authors are lesbians because their work itself certainly doesn't violate the amendment quoted above. Senator Helms believes his position is both heroic and legal. The danger in allowing restrictive language will be evident when the same groups supporting Senator Helms call for restrictions on the cultural perspective of federally funded American art. Without hesitation they will urge Congress to pass restrictions that require all federally funded art should be presented, performed or published in English, should not depict anti-American activity such as flag burning, or should not depict abortion. Perhaps the NEA will be called upon to place books or art which violate the above on a "banned" list.

Now is the time to take the stand. A popular question asked of witness before Congressional committee regarding the reauthorization of the Endowment goes something like this: "Given a choice, would you take an Endowment with restrictions or no Endowment at all?" The metaphor used by one Representative involves pushing a green button or a red button—there is no other choice. The green button, of course, is the one with restrictions. If I take the safe ground and answer the green button, then Congress can place the blame and responsibility for the restriction on my shoulders. The answer should always be "push the red one, Senator, and when you do everyone will know it was your finger, your decision to handcuff the American artist."

In an earlier version of my speech I had asked the question of why we were gathered here at this rally, what brought all of us to Washington. Would anyone in Congress respond or reply that day? All my reasons were personal-support the Endowment which had supported my career and return to the Washington that signaled the beginning of my parents' life in America. It's a matter of heart like the heart of an unknown American writer sitting in his hotel room scribbling notes of a speech about his mother and father, the symbolic nature of their lives in America.

Freedom. It's why we are here.

LETTER FROM ROY LICHTENSTEIN

New York, NY 10014,
April 25, 1990

Senator CLAIBORNE PELL, *Chairman,*
Subcommittee on the Arts and Humanities,
United States Senate

DEAR SENATOR PELL, Government spending on the arts is already embarrassingly meager compared with government spending on the arts in most other developed countries. It would be unthinkable that government spending on the arts would be discontinued. I also believe that restricting funding for the arts on the basis of content is a dangerous road to follow. It has a chilling effect on the arts which thrive on innovation, daring and risk. Works funded by the National Endowment for the Arts are already screened by juries of respected arts professionals. This has worked well throughout the history of the NEA. The freedom of expression which has existed thus far in our country has enabled it to take a leading role in the arts. I urge you to vote to reauthorize the National Endowment for the Arts with no restrictions on the content of works of art.

Sincerely,

ROY LICHTENSTEIN

PREPARED STATEMENT OF JAMES MINDEN

My name is James Minden. I am making this statement as a visual artist and as President of the National Artists Equity Association, an organization of visual artists with members in forty four states.

The controversy over the use of public money to fund some artists and arts institutions has once again pointed out that the appreciation and understanding of art by the public and its elected officials cannot be assumed. Artists are also responsible citizens who pay taxes and share the concern that public money must be spent in an appropriate manner. We too do not support the public funding of pornography. However, we strongly believe that the fear of offense to public taste must not overshadow the positive aspects of artistic freedom or dominate public policy regarding public support for art.

The very nature of art requires that artists explore the perimeter of expressions, emotions and sometimes "public taste." Artists must challenge sensibilities and perceptions of visual reality in order to allow viewers to make discoveries regarding themselves. Art can make us angry as often as it can make us sense beauty. It is as varied as the world is varied cultural. A single work of art cannot express emotions or bring positive thoughts to all people. It can only be considered as one exploration by one individual which may cause a viewer to react.

We advocate the continuation of the system of public funding to artists and/or organizations which has held the National Endowment for the Arts accountable. Accountability to the public in this case, however, must take into consideration whether or not public money is actually contributing to the creation of artistic excellence. At the same time, those who are given the responsibility to judge which artists and organizations are worthy of receiving public funding cannot be forced by politics to act without some degree of uncertainty when defining artistic excellence. They must be allowed to take risks as much as thee must allow artists to experiment.

Experimentation is an essential ingredient in the creation of art. If the government desires to encourage artists to strive for artistic excellence it must also be willing to accept the fact that some work will occasionally fall outside of general public taste. If artists who receive public funding had to guarantee that they would create only "tasteful masterpieces" they could not create anything of excellence. There must be as much freedom to fail as there is freedom to succeed. Above all, politicians must not be the final judge of artistic excellence.

This century has shown that governments are capable of controlling art for political reasons. The Soviet Union, China and Nazi Germany demonstrated this to the extreme. They each directed their efforts against human freedom and each molded an official brand of art and art institutions subjected to political control. In order to accomplish this they condemned "modern" art activity as individualistic, elitist, and disintegrating while they promoted a propaganda "art" accessible to the masses, affirmative of the positive benefits of socialist reality and which placed political criticism above artistic criticism.

In 1937, Joseph Goebbels declared at the opening of the new official "House of German Art" in Munich: "Freedom of artistic creation must keep within the limits prescribed, not by any artistic idea, but by the political idea." As art historian Werner Haftmann wrote in his *Painting in the Twentieth Century* published in Munich in 1965, "Just as every dictatorship mobilizes the masses and destroys the freedom of the individual in order to consolidate its power, so totalitarian art recognizes the average, mass mind as its absolute standard and excludes all individuality . . . The innermost purpose is to destroy all faith in personal values and the individual mind which is condemned as immoral, asocial and destructive."

I recently attended a performance of *The Sound of Music* presented by the New York City Opera at Lincoln Center. The musical was based on the real life story of the Trapp family in Austria in the late 1930's. In Act II, Germany is on the verge of its take-over in Austria and Captain von Trapp strongly opposes that probability. His fiance, Elsa Shraeder and friend, Max Detweiler (the new Minister of Education and Culture) warn the Captain that the German, though not liked, must be accommodated to avoid serious consequences. They sing "No Way To Stop It" and Elsa pleads with the Captain, "Be wise. Compromise." The Trapp family, like many artists, were among the first to flee Austria to protect their freedom and possibly their lives.

Those of you who have recently asked why artists cry out for reauthorization without compromise must understand that artists are not ignoring the fact that compromise is an important part of a democracy. Compromise of our basic freedoms, however, is something that we cannot tolerate. Control of the content of art today will lead to "official" art tomorrow and the disappearance of freedom the day after.

LETTER FROM PHILIP PEARLSTEIN, NEW YORK, NY

New York, NY,
April 23, 1990

Senator CLAIBORNE PELL, *Chairman*
Subcommittee on the Arts and Humanities
U.S. Senate

One of my qualifications to speak today is that I am one of those who was photographed by Robert Mapplethorpe. I was also the first person Andy Warhol knew who was famous for fifteen minutes; having won two first prizes in the National Scholastic High School Art contest in 1941, and then being written up in Life magazine that year. That peak was followed by years in the United States Infantry in World War II. Many years later I resurfaced as a realist painter whose main subject matter has been the nude human figure. So it is with considerable self-interest that I am here at this moment of crisis in the history of the National Endowment for the Arts program, when the awardees of grants are asked to sign a pledge that they will not depict certain subjects proscribed by the artistic taste of congress. With this in mind I was startled to read in the New York Times on Wednesday, March 14, an article titled, "The Arts in China are Brought to Heel", the last paragraph of which reads: "As an example of the kinds of restrictions being imposed by the authorities, another artist said the Culture Ministry issued a document late last year that specified how much nudity could be exhibited. Only about ten percent of the art in an exhibition can be devoted to nudity, he said, and all of that proportion must be painted from the side. Only a tiny fraction of painting are allowed to depict frontal nudity."

Well, I am worried. If our congress has taken a first step toward that kind of control, how will my paintings ever be exhibited in this country in institutions that apply for public funded grants? In a review of my last one-man exhibition there are these sentences: "The subjects' poses are always attuned to the given objects (wooden toys, statues, a model airplane) producing a silent obscenity that verges on the pornographic." "These pictures contain no despair [which may be what triggers an impression of obscenity], no melancholy". "The fantasy of impotence blazes it trail here. This is carefully frustrated lust, celebrated as its glorification in a closed system." Wow! I would rush to see such an exhibition myself, but as it refers to my own work I blush as I read that. Here I am, a senior citizen with a title, "Distinguished Professor Emeritus", retired from Brooklyn College with a history of thirty years of teaching. I have had a Fulbright-Hayes Fellowship to Italy, received one of the first National Endowment for the Arts grants, and was awarded a Guggenheim Fellowship; grants that came at crucial periods of my development as an artist and have given me the opportunity to concentrate on my work. I see my paintings as cool, formal studies of models posing in my studio. There is no action depicted, no narrative, no editorializing on my part. The sexual, psychological, even social readings put on my paintings, even by a professional art writer, are beyond my control; certainly beyond my concern. My concerns have to do with the process of painting, of all sorts of internal relationships of the elements that comprise the pictorial structure. And I rely on the whole history of art to validate the depiction of the nude human body. I believe that, even though we live in a culture that inundates us with countless images daily, much of our society is made up of visual illiterates—people who do not know how to react to pictorial images as art. That is, the person who stands in front of an "Analytical Cubist" painting by Picasso and puzzles out which shapes make up the lady with the hat, and then moves on, feeling he has experienced the painting. But that is the equivalent of noting a melody in a work by Bach and ignoring its subsequent development in the language of music. Realist works of art, except for photography, are an especially endangered species in today's art world. Conceptual, abstract and expressionist styles dominate the concerns of art critics and curators. And if so many of our professional art writers today are concerned only to describe their reaction to the subject of a work, or only to place the work of art in its social context, how then can we rely on the taste of legislators? One of the forbidden subjects artists must pledge not to touch is that of children in sexually exploitative situations, but the only artist I can think of who exploited nude views of children is Mary Cassatt, who is one of our most beloved American painters. My depictions of nude adults are no more provocative than her frontally nude children, except in the eyes of the visually illiterate. After all, our society is also sports oriented, and locker rooms are a usual experience.

Yet there have been a number of occasions on which my paintings have been defaced, removed from public exhibition, and brought local newspapers to issue parental warnings. About ten years ago an exhibition of my graphic works was removed from the walls of a public exhibition space at a major university after I was denounced by a priest as "un-American", and accused of corrupting the minds of teenaged children by a woman claiming to be a member of an organization called "Motherhood in God." All without the help of congress.

What does my art contribute to-society? I don't know, but once I was on the verge of hearing the answer to that question. During my first year of studying art at the beginning of World War II, just before being drafted into the Army, the wonderful woman teaching the first year painting class suddenly broke the silence of the studio and proclaimed, "Oh, you must be serious, art is so important, especially now," but then she was interrupted and did not go on to say why. During the war years, on viewing the bombed out towns of Italy, I felt I knew the answer: War is so stupidly destructive while art represents the highest aspirations of humanity. Later, I read James Joyce's Portrait of the Artist as a Young Man in which, on the last page, as the young artist is about to leave home, he gives a reason for being an artist. He says, "I go to encounter for the millionth time the reality of experience and to forge in the smithy of my soul the uncreated conscience of my race." Most artists really do have that sort of ambition. But for an artist today, that translates into studio space, art supplies, tools and electric bills, or their equivalent, which represent considerable expense. Since so few artists earn much money from their work the occasionally need the financial help foundations give; and from the foundations funded by public money we must allow no conditions to be attached to grants if we are to avoid the tragedy of hypocrisy as in China.

PHILIP PEARLSTEIN,

PREPARED STATEMENT OF GARY L. BAUER

Mr. Chairman, members of the Committee, thank you for this opportunity to discuss with you the issues raised by public funding of the National Endowment for the Arts.

The Family Research Council, as you know, supports legal restrictions on pornography, and believes that Judeo-Christian ethics—which have been the unstated and unlegislated foundation of American public life—can and should continue to serve this function, without prejudice to the rights of those who dissent from this tradition.

These premises lead us to take the position that the NEA should be funded, but with statutory restrictions to make sure that NEA funds will not be used to make war on the values of the ordinary citizens whose money will be involved.

I am painfully aware that this position differs from that of other organizations that are usually soulmates of the Family Research Council. These organizations have called for outright defunding of the NEA.

Let me admit that the argument for defunding is cogent. It is at one and the same time budgetary, philosophical, and arts- oriented: budgetary, in that in times of budgetary restraint, the arts may have to yield to other needs; philosophical, in that funding the arts is arguably not a proper role for the federal government under constitutional principles of federalism; and arts-oriented, in that government funding inevitably brings government control, so that while NEA funds may help individual artists, they are in the long run destructive of artistic freedom.

What can we say against this triad of arguments? Simply that we think it is possible to devise a public funding mechanism for the arts that will command widespread support, will not be a budget-buster, and will help the arts fulfill a public role.

At present, the National Endowment is on the worst of all possible courses. It is allowing itself to be conscripted into a "culture war" against mainstream American values and sensibilities. Hostility to the very existence of the NEA is growing at a pace that was undreamed of back when the worst the NEA could be accused of was waste.

The use of the term "culture war" in this context is not entirely my own—though I have used the term on numerous occasions. In the present context, I am referring to an article on arts funding by Congressman Henry Hyde, in a recent National Review. Congressman Hyde writes:

> . . . [B]y "culture war" I mean the struggle between those who believe that the norms of "bourgeois morality" (which is drawn in the main from classic Jewish and Christian morality) should form the ethical basis of our common life, and those who are determined that those norms will be replaced with a radical and thoroughgoing moral relativism. That the "relativism" in question is absolutist and as condescendingly self-righteous as any sixteenth-century inquisitor is a nice irony. But that is the division in our house.

Note how Congressman Hyde calls the Judeo-Christian system "the ethical basis of our common life"—not a straight-jacket into which those with a different world view must be shoved. This distinction is essential as long as we are talking about public funding for the arts.

The air right now is thick with charges of censorship. But as Congressman Rohrabacher has pointed out, the issue is sponsorship, not censorship. We and other groups can only repeat, as often as need be, that there is no right, constitutional or otherwise, to a federal art subsidy. The NEA makes decisions all the time as to which projects to fund and which not to. These decisions are not random: on the contrary, they are made by a reviewing panel chosen for its supposed discernment, i.e., for its supposed ability to decide what art ifs more deserving of public funds.

Therefore, content-based decisions to fund some works and not others are already being made by the NEA. The only difference is that until last year's Helms Amendment the NEA generated all its own criteria, insulated from democratic review. Under our proposal, Congress would supply some—but not all—of the criteria. The difference between freedom and censorship surely does not lie in the difference between an NEA operating under self generated criteria and an NEA operating under a mandate from Congress to avoid the obscene and the loathsome.

Not a single artist would suffer restraint, prior or post, as a result of the funding restrictions we advocate. A mere showing that a given artist is unable to sell a given work to any customer other than the federal government is not enough to justify spending public money on art created to outrage the public.

I spoke earlier of the public role of art. The danger of misunderstanding here is great, so let me be clear. I do not mean that public arts funding must go exclusively to neo-Norman Rockwells. The range of art that Bob and Diane Taxpayer might be willing to fund goes beyond depictions of the daily life of Bob and Diane Taxpayer.

How far beyond? To answer that would require a fully developed theory of public aesthetics, which I do not propose to offer today. But at a minimum, art paid for by the public should be broadly consonant with public values and tastes.

The great art of past ages—whether publicly funded or not—met this test. Statues of the gods and goddesses in the ancient Greek agoras; paintings of Christ, Mary, and the saints in medieval churches; nostalgic pastoral paintings in rapidly industrializing Britain—all these met with broad public approval.

Art may have a role to play as challenger as well: challenging our values, challenging our assumptions, etc. There is room for this theory of art, among others. Unfortunately, its advocates seem to have taken over all the choke-points of the artistic world, including the NEA.

While private galleries and private art magazines must choose whomever they want to lead them, it is not acceptable that a public entity such as the NEA be dominated by the notion that the mission of art is to outrage the public. Maybe Bob and Diane Taxpayer need to be challenged—but the NEA has no right to perform this service, unsolicited, and then send the Taxpayers a bill for it.

Yet such a self-destructive path seems to be the one the NEA is embarked upon, unless Congress changes its course. There is a widespread perception outside the Beltway that the NEA has become a staging ground for assaults on common decency as such. I wish I were sure this perception is wrong. At the very least, the NEA has become a means whereby a radical elite forces others to subsidize its aesthetic preferences.

Abolition of the NEA would effectively end this regressive wealth-transfer scheme. But it would also mean that many deserving artists would not get a break they need. Consequently, we support funding the NEA, with restrictions such as those proposed last year by Senator Helms, which are reasonably tailored to eliminate only those projects that would most obvious outrage the common decency of American citizens.

Failing that, we would urge Congress to look at making private donations to the arts easier—for instance, by a tax-return check-off, or by restoring the charitable deduction for non-itemizers.

If neither of these alternatives works out, the movement for defunding will grow and grow—and, I would have to concede, rightly so.

Thank you.

LETTER FROM SOUTH CAROLINA STATE MUSEUM, COLUMBIA, SC

April 20, 1990

The Honorable CLAIBORNE PELL,
Education, Arts and Humanities Subcommittee
United States Senate
Washington, DC 20510

DEAR SENATOR PELL: As a professional working in the State of South Carolina, it is very reassuring to me to see that you are on the Education, Arts and Humanities Subcommittee. The current priority for the state must be on the education of both our children and adults, and as you know cultural institutions and museums are invaluable in accomplishing this mandate. The State Museum has well exceeded it's initial projections for visitorship in the eighteen months since we opened. The public has clearly demonstrated its interest and need for museums and art exhibits in South Carolina.

Once institutions are established they need to be maintained and improved. My job as Chief Conservator for the State Museum is to make sure that our collections and exhibits are properly preserved so that all our citizens can learn from and enjoy them now and in the future. I must also help other museums and cultural institutions in all parts of the state preserve their collections and raise the standards of their care for their collections. In the two and one half years that I have been with the museum, our Conservation Department has helped several museums upgrade their collections care and storage through two workshops and several on-site survey consultations. As you know, the state budget is limited and we cannot add additional staff to increase our services without neglecting our own collections and exhibits.

The Institute of Museum Services has provided funds to museums to help them assess the problems that they have with their collections and to correct them. The

IMS can provide funds to South Carolina museums to bring in conservators to survey their buildings and to suggest programs of improvement. I have just completed a conservation needs assessment survey for the South Carolina Federation of Museums to summarize the state of collections in South Carolina. The responses that have come in so far have indicated a need for on-site visits from conservators and other museum professionals. The IMS can provide professional help and assistance through its grant programs which will raise the overall standards of the state's museums. Unfortunately, the limited resources of the State Museum will not allow us to help everyone that requires assistance, but the IMS, and programs can fill in the gap.

It is up to responsible representatives of the people of the State of South Carolina like yourself to see to it that these agencies are able to continue the substantive and important work that they have started. Recently, the federal funding of art and art support programs has been attacked and politicized. The IMS in particular has not been involved in this controversy and will not be due to the nature of its programs. To cut the funding of the IMS will mean the continued deterioration and eventual uselessness of thousands of museum objects and collections. This translates into the loss of our history, culture and heritage, not only in South Carolina, but in the United States as a whole.

Please vote for the funding of the IMS, NEA and NEH programs. The heritage and education of the people of South Carolina depends on it.

Sincerely,

PAUL S. STROCH
Chief Conservator

LETTER FROM DON GRAY, CAREFREE, AZ

April 5, 1990

Senator CLAIBORNE PELL, *Chairman*
Committee on Education, Arts and Humanities
U.S. Senate
Washington, D.C. 20510

DEAR SENATOR PELL: I would like to share my thoughts with you concerning the depleted condition of contemporary art and the National Endowment for the Arts, based on my thirty years experience in the art world, much of it in New York City.

As an artist and critic, I find myself in a difficult position concerning questions of censorship and the quality of contemporary art raised by the recent controversy over Robert Mapplethorpe's photographs, Andres Serrano's "Piss Christ" and the grant process of the NEA.

Artists must be allowed to do what they will. However, just because they call themselves "artists" and what they do "art" does not guarantee that what they produce will be good or worthwhile. Chances are, it won't. The majority of artists of any era produce inconsequential work.

But, to protect creative freedom and basic human rights, which effects all citizens, artists must not be censored.

This doesn't mean, however, that we have to view their works, buy them or pay tax dollars to fund their production. We all have the right of choice. To deny money to mediocre artists, or anyone else who doesn't deserve it is not censorship. Serious artists will work whether funded or not.

There is a slowly increasing awareness in the art world (the general public has been aware of it much longer, though perhaps not able to express it in sophisticated terms) that artifice and nihilism have been the fashionably dominant characteristics of the art of the past thirty or more years, regardless of style.

The dictionary gives several shades of meaning to the word "nihilism", but the one I'm referring to is "the belief that there is no meaning or purpose in existence. With such a negative premise, borrowed from the Dadaist anti-art position beginning during World War I, is it any wonder that most contemporary art is itself meaningless and purposeless except to scoff at society and genuine art, and mimic the depleted views of its creators and adherents? (The dictionary definition of Dada: "a cult in painting . . . characterized by . . . often formless expression and by nihilistic satire").

Like other aspects of our society, such art is essentially diseased. It is eroded by pseudo-creativity, dehumanization, triviality, venality and sterility.

All great men and women (and most other people) love life and the world. They may hate the horror that mankind produces, and our inevitable mortality, but they do not hate mankind. To them, there is both "meaning and purpose" in existence. As a result, their art is life enhancing.

Many contemporary artists are telling us by the kind of art they produce that they not only hate art, they hate mankind, they hate life and they hate the world. And they impose these views up on us every time they are commissioned to construct a public sculpture, paint a public mural or teach in universities (their negative, meaningless, often smart-aleck "art" is their revenge on the world).

Sadly, too many contemporary artists, in their destructive impotence, have more in common with the men who vandalize great art (smashing Michelangelo's "Pieta", slashing Rembrandt's "Nightwatch"), than with the great artists themselves (no doubt out of jealousy and outraged despair over the great artists' effectiveness and accomplishment, in contrast to their own lack of creative significance).

After all, one of the icons of Dadaist art is Marcel Duchamp's 1919 act of drawing a moustache and goatee on—and symbolically vandalizing—a reproduction of the Mona Lisa. This is a very close parallel to "Piss Christ".

If such artists view the world as "piss", does it really help the situation to "create an art work" where a photo of a crucifix is submerged in a bottle of the "artist's" urine? Or does it only echo, and add to, the fecal mire of society's misdirected, death-oriented values that is up to our chins anyway? Such "art" fails to offer alternatives to the horror, hatred and despair. It blocks us from the deeper truths that sustain us.

I am not shocked or offended by these images per se. In many years in the art world, I have seen or heard just about everything that's been possible to do to dishonor the name and practice of art. "Piss Christ" is simply a continuation of such works of the past twenty-thirty years as an "artist" canning his feces, another having himself shot in the arm, another masturbating in an art gallery, and yet another "artist" cutting off his penis piece by piece . . . all in the name of "art" (this last "creative" act proved fatal. Interesting isn't it, how little the fundamental decadence of contemporary art has changed? "Artists" repeat the same nihilistic ideas and means, revealing their essential creative barrenness).

These are extremes, of course, but the generally accepted contemporary art formulas tend, at one pole, toward decorative—often abstract—emptiness, through frigid pseudo-intellectuality, to nihilistic perversity at the other.

What does offend me—deeply—is the corruption of the meaning and purposes of art whose centuries-long function has been to explore and express the totality of human experience in relation to the fundamentally spiritual basis of our existence on a tiny planet orbiting a fiery, distant sun in an immense and lonely universe.

Genuine art expresses the everyday, close-up realities of life, our problems and aspirations, within the context of this vast and profound spiritual dimension. It expresses the present without losing its roots in the past (and it does so by means of superior aesthetics). If ethical art values are to survive in an era of evil and corruption, art must also transcend the present by refusing to partake of that evil.

Just because Nazis murder Jews in gas chambers, doesn't mean the rest of us should do the same. We must rise above the evil status quo. The same with art. We must rise above contemporary artifice and nihilism to create genuine art in touch with timeless art and life issues.

Since the general level of contemporary art is so low, the higher aesthetic, emotional, philosophical and spiritual elements of art so debased, drastic action is called for in an attempt to heal it.

I feel all government funding of the visual arts should be eliminated.

By saying this, I do not acknowledge the government's right, or anyone else's right, to intrude upon the creative freedom of artists to do whatever they must. But the government (the taxpayer) also has the right not to have to pay for it.

If we lived in a Utopia, and it was possible to have a fair-minded grant system supportive of the artist's quest, I can think of nothing better than private and governmental funding to ease the creative and financial crises artists are heir to. But this is the real world. The situation has so degenerated that it is better to have no governmental money for the visual arts than to feed the cancer that continues to eat the life out of art.

The funding process is corrupted by self-interest, fad and fashion mongering, and the desire of art bureaucrats to perpetuate the anti-art, anti-life dictatorship controlling the art world . . . and art education (art educational institutions, like college football for the NPL, are the farm system of the art world, turning out generally brain-washed clones of fashionable art world artifice and nihilism).

The National Endowment grant selection process represents the worst kind of censorship of free creative thought. Not so amazingly, this censorship comes from within the art community itself, which they would have us believe represents the very bastion of freedom. On the contrary, any serious, potentially healing, redemptive, or unfashionably original art is denied access to the process.

Thus the N.E.A.'s emphasis on fashionable artifice and nihilism is, and has been, much more damaging to art, for many more years, than any well-intentioned probings by Congress. And yet, the art world has the hypocrisy of hypocrisies to cry "censorship" when anyone questions or suggests limits on their excesses.

Just as drugs, the destruction of our environment, hypocritical religious leaders, and corporate and governmental deception and misuse of funds are symptoms of the deterioration of values in America, a denatured, polluted art similarly represents a descent into decadence.

If these issues, and their consequences, were not so potentially lethal to the human body and spirit, one might simply watch art and life go on as they will, without question, comment or action. But since each issue is a result of individual and societal decay, and the decay of the leadership strata of America—and as such, a threat to our civilization—it is in our best interest to attempt to heal ourselves and our institutions.

We might make a start with art.

Sincerely,

DON GRAY

LETTER FROM ANNE MASON, NEW YORK, NY

New York, NY,
April 4, 1990.

Senator CLAIBORNE PELL,
U.S. Senate
Washington, D.C. 20510

DEAR SENATOR PELL: Regarding the current controversy over the future status of the National Endowment for the Arts, this letter is written to support the view that federal support of the arts is an inappropriate use of tax funds. Where is it written that anyone has the constitutional right to be an artist at the expense of the public?

I am the wife of a self-supporting artist who struggled against tremendous odds to become established in an art world prejudiced against the classical point of view. I am familiar with the ins and outs of the art scene. I am fully sympathetic to the difficulties ahead for any artist attempting to support himself in a world geared to more profitable pursuits.

But I do not believe that the solution to the artists' dilemma is public support that rewards one's ability to write grants or to hire a professional grant writer to take care of the means to the financial end.

There is no question in my mind that the NEA has operated at the expense of the many for the benefit of the few. Also, in my opinion, there seems to be no workable way to control the content of works approved by the NEA without the accusation of bigotry or censorship being raised. At that point the issue of the use of public funds becomes completely lost.

I would support elimination of the NEA altogether. I feel that many Americans would support this position if they really knew what is going on.

Sincerely,

ANNE MASON

PREPARED STATEMENT OF THE AMERICAN ASSOCIATION OF MUSEUMS

Mr. Chairman and members of the subcommittee, the American Association of Museums (AAM) is pleased to submit this statement for the record on the reauthorization of the National Endowment for the Humanities (NEH). The AAM is a national service organization for museums across the nation, representing more than 2,500 art, history, natural history and science museums, and over 8,000 individual members drawn from both professional and volunteers who serve museums. The National Endowment for the Humanities has provided valuable support to America's museums, ensuring the presentation and discussion of values and ideas, of our history and heritage, and the exploration of our humanity. Through the NEH General Programs category for Museums and Historical Organizations, through the NEH Challenge Program, and through the new National Heritage Preservation Program, the NEH provides critical assistance to museums for exhibitions, financial growth and stability, and preservation.

The 1965 enabling legislation for the National Endowments for the Arts and the Humanities eloquently presents our national policy of "encouragement and support of national progress and scholarship in the humanities and the arts." Through the NEH, this goal is being realized in museums through direct grant support for humanities exhibitions and publications, collection sharing and cooperative exhibitions and programs, collaborative projects with the academic community, and innovative museum education programs. NEH support for the expansion of private support and long-term financial stability for museums, and the preservation of material culture also helps to achieve this goal.

The NEH has been instrumental in support of museum projects that encourage the public dimension. As NEH Chairman Lynne Cheney so articulately and forcefully stated in her 1988 report to Congress, *The Humanities in America*, museums and other agencies of informal learning form a powerful "parallel school" system in this nation. The NEH General Programs category for Humanities Projects in Museums and Historical Organizations has been a genuine pioneer in providing support to museums in their efforts to more aggressively and more effectively share the objects, ideas, and values represented in their institutions with a broad public audience.

This program has been a significant resource for the development of special exhibitions and permanent installations that use material culture to convey and interpret the humanities to the public. Program grants also support planning activities, documentation projects, and institutional self-studies. These projects are based on sound scholarship that foster increased public understanding and appreciation of the humanities. All types of museums are eligible for grants through this program, from art and history museums, to science museums, zoos and botanical gardens.

One of the central functions of museums, albeit a time-consuming and expensive one, is the documentation of collections. The NEH has been a leader in supporting the documentation of collections of significance to the humanities in preparation for their use in interpretive exhibitions and related public programs. Documentation grants enable museums to improve not only the physical control over a collection, but also to strengthen the understanding of and intellectual access to the collection.

Since the last NEH reauthorization in 1985, NEH documentation grants to museums have supported many diverse projects. For example, NEH awarded grants to:

—the Afro-American Historical and Cultural Museum in Philadelphia, Pennsylvania to support documentation of 200,000 photographs and negatives that record 40 years of the social, cultural, and political history of blacks in Philadelphia.

—the Museum of Northern Arizona in Flagstaff to support the documentation of the museum's collection of Navajo textiles.

—the Milwaukee Art Museum to support planning for a computerized documentation of 25,000 works of European and American fine and decorative arts from the 13th century to the present.

—the Chesapeake Bay Maritime Museum to support planning for a computerized collections management system for the museum's collections of artifacts and documents pertaining to the social and economic history of the Chesapeake Bay region.

These grants, and other documentation grants, provide important planning for the documentation and analysis of collections and a means of access designed to facilitate the use of collections in exhibitions or other humanities programs.

Another phase in a museum's long-range goals for sponsoring humanities based projects is exhibition planning. The NEH provides grants support for the planning of exhibitions and related interpretive materials and programming, such as catalogues, lecture series, symposia and educational programs. A planning grant enables museums to advance both the conceptual and logistical development of a project, including collaboration with experts in the field, exhibition designers, and educators to refine and develop the exhibition's themes. Planning grants also assist museums in the process of identifying and selecting appropriate exhibition materials, format and design, and to develop related educational programs.

Beyond planning, NEH provides support for implementation of museum exhibitions. Implementation grants support the final development and production of both temporary and long-term exhibitions and related interpretive materials and programming. Museum applicants for implementation grants must demonstrate strong and clear intellectual content in the project, an effective project format, and well designed resources to ensure the project's goals.

Planning and implementation grants are the cornerstone of NEH support in the Museums and Historical Organizations program. The following are a few examples of temporary and permanent exhibitions supported by NEH planning and implementation grants.

—A grant to the Minnesota Historical Society, St. Paul, Minnesota for an exhibition exploring the transition from traditional Nidatsa Plains Indian society to modern reservation life by focusing on three members of a Nidatsa family whose lives spanned the period from 1840–1920.

—A grant to the Florida Museum of Natural History in Gainesville, Florida, for an exhibition that examines Spanish efforts to explore and colonize the Southeastern United States and the native American responses to these efforts, 1492–1570.

—A grant to the Krannert Art Museum in Champaign, Illinois, to support an exhibition, catalogue and programs that examine spiritual and mundane aspects of early Christian life revealed by material culture in domestic settings.

—A grant to the Arkansas Museum of Science and History in Little Rock, to support an exhibition and educational programs that examines Arkansas in the period immediately after statehood (1836) through the observation of the German traveler Friederick Gerstacker, who visited Arkansas from 1837 to 1843.

America's museums are primary stewards of the record of cultural value and diversity that is the bedrock on which all our research and public activities depend. The NEH Challenge program has been of significant value to museums in this effort. NEH challenge funds have been used for a variety of institutional needs including construction, renovation and restoration projects; the purchase of equipment and collections acquisitions; fund-raising costs for administration and personnel; and costs associated with cataloguing, restoration and conservation.

The National Heritage Preservation Program in the Office of Preservation is a new initiative at NEH. This program, initiated in the current fiscal year, provides critical support to museums for needed improvements in the storage and general protection of their material culture collections. Many irreplaceable historical, ethnographic, and archaeological collections are seriously at risk due to their present deterioration. This important program will do much to assure that the cultural record of the humanities will be preserved so it will enrich the lives of generations to come.

NEH support of basic research has also been of major importance in helping museums fulfill their mission. Museums must be more than mere repositories of artifacts, they must carry out an intellectually active program of research to put their collections into the broad cultural context required to transform information into knowledge.

One primary example is found in NEH support of a research study at the Henry Ford Museum and Greenfield Village in Dearborn, Michigan. The study focused on the historical context of two original slave quarters and an original free black yeoman farmer's house, now all located in Greenfield Village. This research, just completed, reveals an extremely rich story of individual and community pride and initiative as African-Americans, both slave and free, created innovative solutions to living in a world of cultural bondage.

While such projects as these are highly visible examples of the value of NEH funding programs, they do not reveal what has been an even more important long-term cumulative effort of NEH support, the fundamental strengthening of America's "parallel schools." Through its project support, the NEH has encouraged new alliances between museums and scholars in a variety of fields. The rigorous intellectual requirements of the NEH require museums to reach out and collaborate with a variety of scholars and researchers. In this way, the NEH has provided a strong antidote to parochialism and narrow thinking.

NEH support to museums has also enabled linkages between museums and the communities they serve. Museums have always been part of the community-building process in America. NEH-supported programs in the public area, have encouraged museums to work closely with the communities they serve to ensure that the richness of their humanities programs reach beyond an elite few to become the common culture of us all.

The basic staff and organization of museums is also strengthened by NEH support. For many museums, NEH support has improved the ability of museums to carry out a variety of other functions in museums not directly supported by the NEH. NEH remains a great intellectual lever that works with great effectiveness to improve the entire museum enterprise.

Finally, NEH support of museum projects validates the investment of private dollars in support of museum programs. Most corporations, foundations and individuals do not feel they have the ability to judge the intellectual quality of many museum programs. The rigorous peer review process required for NEH grants provides an important element of endorsement in allowing museums to do a more effective job of attracting private sector support.

The support of America's many and diverse museums by the NEH has been a strong and unqualified success. During the past twenty-five years, the NEH has greatly strengthened the ability of America's "parallel schools," its museums, to preserve more adequately their unique record of the human enterprise, to carry on research that is fundamental to a better understanding of the past, and to shape public programs that can extend the vision of human possibility for all our citizens. As museums work together with other, more formal, educational institutions to participate in the complex and challenging work of reforming and reshaping our nation's education system, we need the NEH as a vital partner in that effort in the years to come.

Mr. Chairman, Congress has heard much over the past year from those who believe that there should be restrictions on the types of projects for which grant awards may be provided by the National Endowment for the Arts (NEA), the NEH, and the Institute of Museum Services (IMS). The debate pervades deliberations on both the reauthorization of the National Foundation on the Arts and Humanities Act, and FY 1991 appropriations for NEH, NEA and IMS. Mr. Chairman, the AAM strongly supports reauthorization of the NEH without restrictive language regarding content. In June 1989, the AAM Council, the governing body of the association, passed the following resolution:

> The American Association of Museums respects and strongly supports the right of all to judge ideas, values, or works of art as individuals. The Association recognizes that this right will produce a plurality of values and ideas in art as well as in social and political life. However, the Association also recognizes that respect for this principle is basic to our democratic way of life.
>
> While some works of art or ideas created or presented in part as a result of public funding may be deeply offensive, the greater risk is a restriction of freedom of expression and individual judgment that would compromise the necessary openness of a democratic society.
>
> Therefore, debatable or controversial as a single idea or work of art may be, the Association urges Congress to continue recognizing the overwhelming value and benefit of federal support for the arts, sciences, and humanities without compromising artistic and intellectual freedom of expression.

The record of the NEH, like that of the National Endowment for the Arts, has been exemplary over its quarter century of existence. It is the hope of our nation's museums that in the years to come, Congress and the NEH will work with America's community of museums to explore ways that together we can use the lessons learned during the past twenty-five years to help shape a dynamic agenda of educational outreach for museums. To do less, in the number of projects supported or the content of such projects, would not fully utilize one of America's largest, most vital, and diverse group of education institutions.

PREPARED STATEMENT OF THE ALLIANCE OF RESIDENT THEATRES, NEW YORK

The Alliance of Resident Theatres/New York, Inc. serves 130 nonprofit theatre companies located in New York City. These theatres have been responsible for the development of such plays as *A Chorus Line, Driving Miss Daisy, A Soldier's Play, Steel Magnolias* and *Sarafina!*. The New York City nonprofit Off and Off Off Broadway theatres produce work of high artistic merit and serious social significance, while nurturing such artists as Nell Carter, Alec Baldwin, John Patrick Shanley, Larry Kramer, Dianne Weist and Morgan Freeman. Over three million people yearly attend these theatres' work, and many more attend regional and Broadway productions of works developed at these theatres.

The members of A.R.T./New York are alarmed about the recent efforts by Congress to include limiting language into the reauthorization legislation for the National Endowment for the Arts. That this issue has precluded and taken precedence over all the other crucial issues that our organization usually handles.

We, and our members, believe that the inclusion of language limiting the content of the works produced with Federal funding will have a powerful and deleterious effect on all the arts in this country. The result of art produced in this climate will become defined and restricted by the NEA language whether the art is produced with Federal funding or private money. The language will become the barometer of all art produced in the United States. This effect is already being felt by New York City arts organizations, and the final result will be devastating.

Making art means taking risks. An artist responds to his/her environment with fear, exaltation, anger, inspiration—deep emotion and/or intellectual response to an illogical unpredictable world. Our lives are becoming more and more complicated as technology improves, communication becomes faster and more efficient, travel becomes simpler. Ethical questions become thornier, less black and white and more gray. Artists deal with this changing world, illuminating the issues that affect us all, thereby allowing their collaborators and audiences to examine, reflect, and make choices.

Art is evocative. Successful art enables individuals to respond to the work in a visceral or intellectual way. The difference between the popular television sitcom "Cheers", and South African playwright Athol Fugard's searing political play *My Children, My Africa* isn't that one is for the working people and the other is highbrow, thus earning the label of "art". The latter is art because it engages its audience, it makes them think, and leaves them at the final curtain, changed human beings. They are both valid, and they are both entertaining, but only one is art. What a desolate thought to live in a world without Athol Fugard, and with a live version of "Cheers" on every stage in the nation! That nightmare will result if this threat to the NEA is not removed.

The existence of the National Endowment for the Arts sends a signal throughout the world that this country understands the importance of art to society. Sir Laurence Olivier once said "I believe that in a great city, or even a village, a great theatre is the outward and visible sign of an inward and invisible culture." The existence of the NEA allows the existence of that inward and invisible culture, and makes it affordable to the people whose culture the theatre represents.

The purpose of government funding for the arts is to create leadership in supporting the arts, a democratic and free system of creating art, a mechanism for supporting valuable alternative, minority, or economically fragile art, and to preserve the cultural history of our society, as well as the ideals of democracy all these multicultural works represent.

The purpose of the current structure of the National Endowment for the Arts is to provide the fairest process possible in the dissemination of extremely limited federal funds in the most expeditious and economical way possible. This peer panel review process has as its model the very basis of democracy—the jury of one's peers that is central to our justice system.

Anyone who has ever taken part in a peer panel review of a grant application knows how scrupulously fair this process is. The panelists are established arts workers with years of experience in the arts discipline under review. They read literally hundreds of meticulously-prepared applications, and evaluate each project, based upon careful consideration of the artistic merit, past artistic work, artistic credentials of collaborators, and rigorous management evaluation which includes audited financial statements. Often the evaluation process includes an on-site artistic review of the organization's work, though, of course, not an evaluation of the work yet to be produced with the NEA grant.

Continuity is important with this process. Organizations cannot be funded by the NEA until they have been in existence for three years or more. Therefore, their artistic profile is well established by the time the NEA begins to evaluate the organization. When a theatre company begins to develop a play, it often does not know what the end result will be. Sometimes, in the developmental stage, a play will be deemed to be "not ready" for production, and will return to the development process to be produced another year. Theatre companies are a continuum, and have a life beyond any particular production. The theatre's artistic director is trying to develop a kind of theatre, and has many projects in many different stages of readiness that will be a part of his/her vision and will be articulated to the audience.

That vision is expressed in many different ways, and risk is part of that process. To impose restrictions in advance on the content of works to be produced under NEA grants is anathema to that vision, not because nonprofit theatre is pornographic, but because the threat that a work of art may be condemned has a corrosive effect on the creative process. The result of the inclusion of content restrictions means that playwrights will begin to censor their work, to remove anything that might upset anyone. They will thereby remove the heart—and the art—of their work.

In addition, corporations, who have become a large part of the funding "mix" for theatre companies will follow the NEA's lead, and take it one step further. They will (many have already) remove their funding for innovative, or small, minority and alternative theatre because there is a chance that the work will be "controversial." Where will these theatre companies go for support? Ticket prices are kept low to make theatregoing accessible for all. The audience cannot make up the difference.

NEA funding is crucial for A.R.T./New York's member companies and their communities. Some examples of these follow:

INTAR, Hispanic American Arts Center's programs are all funded by the NEA. Managing Director Eva Brune believes that "the NEA is the stamp of approval that triggers all of our other funding. NEA funding is crucial to our funding. Without the NEA as a guideline, funders would be at a loss of how to fund. Without the NEA, INTAR would close down. We are a group of professionals who have run a respectable organization for 25 years and the censorship issue is of great concern. It puts us in a terrible position as it implies that we don't understand what art is. We have a deep respect for the panel process."

Music Theatre Group produces some of the most innovative music-theatre in the country. Their productions, including Martha Clarke's *Garden of Earthly Delights* has toured throughout the world demonstrating worldlessly the excellence of U.S. art. This year Music-Theatre Group has received a total of $190,000 from the NEA: $60,000 from the Opera/Musical Theatre Program, and a $40,000 grant to produce *Endangered Species* with the Brooklyn Academy of Music. MTG is a past recipient of NEA Challenge and Advancement Grants and just received a $90,000 grant to do *Love and Science* by Richard Foreman. Diane Wondisford, managing director said, "Without the NEA, we would be in serious jeopardy, along with most large arts organizations in America, not only because of the dollars involved, but because of the climate created by such a measure. The limiting language is unneccessary because the way the panel process works is extremely straightforward and judicious. It is an example of almost ideal democracy at work."

These theatres are among the scores of New York City theatre companies that receive NEA funds, who have had national impact and are crucial to the cultural life of the United States and which would close without NEA funds, and which would wither with limiting language in the NEA legislation. At least one hundred other theatres do not receive NEA funds, and they also believe in the peer panel process, and in the importance of the reauthorization of the NEA without limiting language.

The Alliance of Resident Theatres/New York urges you to do what is best for our society, our "inward and invisible culture" and our legacy to generations who will follow us. Reauthorize the National Endowment for the Arts without limiting language. Do not destroy the uniquely American artform of the resident professional theatre. All our lives would be barren without them.

Submitted by Kate C. Busch, Executive Director.

LETTER FROM WILLIAM G. BOWEN

THE ANDREW W. MELLON FOUNDATION,
140 East 62nd Street, New York, NY 10021,
May 3, 1990

Senator CLAIBORNE PELL, *Chairman*
Subcommittee On Education,
Arts & Humanities,
Dirksen Building,
Washington, D.C. 20510

DEAR SENATOR PELL: Thank you for your letter of April 20 (which for some unknown reason reached my desk only yesterday). In my view, the questions at issue concerning the support of graduate education in the humanities are of enormous importance, and I welcome the opportunity to respond to your request for comments. I hope that this letter, and its attachment, will constitute the kind of statement that you have in mind.

My own interest in this area is longstanding. I was one of those who warned (at the start of the 1980s) against encouraging more students to pursue PhDs than the academic market could accommodate at that time. More recently, Julie Ann Sosa and I have written a book which provides a detailed set of projections for the arts and sciences (*Prospects for the Faculty in the Arts and Sciences*, Princeton University Press, 1989). This study indicates that conditions in the 1990s are almost certain to be different from conditions in the 1970s and 1980s, and leads us to conclude that now is the time to consider seriously ways of encouraging more able students to obtain PhDs in the humanities and social sciences as well as in mathematics and the physical sciences.

Rather than attempt to restate here the full argument of the book, I enclose a recent interview which summarizes its main points. Perhaps the interview can be made a part of your record with this letter.

As you will see, a combination of factors leads us to conclude that shortages of well-qualified faculty are very likely to develop in the late 1990s. We are hardly the only ones to have come to this conclusion, and your staff will be able to provide you with a number of other references.

On the demand side of the equation, a large number of anticipated vacancies will need to be filled, mainly as a consequence of the aging of faculty appointed in the 1960s. In addition, demographic factors will almost certainly increase the number of students to be taught in the latter part of the decade. On the supply side, the number of doctorates awarded to US residents in fields such as the humanities has declined precipitously (to about 60 percent of the number in 1972). For this combination of reasons, it is easy to see why so many studies project impending shortages.

To be sure, no one should invest projections of the kind developed in our study with spurious precision. We have been careful to alert readers to the distinction between projections and predictions, and to provide several alternative sets of projections. The most common reaction to our projections;thus far has been to suggest that they are, if anything, overly conservative. Mrs. Cheney is the exception to this proposition, and we have considered carefully the arguments she gives for believing that the problem under discussion will simply go away. For reasons we have explained in detail elsewhere, we are unpersuaded that potential shortages of the magnitude we have described will be alleviated by any plausible combination of increases in the share of doctorates seeking academic employment, in the ratio of part-time to full-time faculty, in "net flows" back to academia from other vocations, or in rising student-faculty ratios (properly measured).

Moreover, any potential relief obtained in these ways must be set off against the considerations that have led most commentators to conclude that we are more likely to have understated the size of the potential shortages by underestimating demand. In particular, our "base-case" projections assume constant enrollment rates when the most recent evidence indicates that enrollment rates have continued to increase. Also, we assumed that the arts-and-sciences share of total enrollment will remain at the low level it had reached in 1984–86, when recent analysis suggests that some recovery is quite possible.

We are careful in our book to warn against overreacting to the projected shortages, since we share the view that it would be unwise to return to the "boom and bust" cycle in graduate education that has caused so much distress since World War II. But it would be even more unwise, in our judgment, to fail to make any response until conditions have worsened to such an extent that there will again be pressures to do too much.

It takes a long time for the typical student to earn a doctorate, particularly in the humanities, and that is why it is so important to take sensible action now. We agree with those who have urged the National Endowment for the Humanities to broaden its purview to include some provision of dissertation fellowships. (Fellowships provided at the dissertation stage, rather than during the first year or two of graduate study, would seem compatible with the general mission of the Endowment's research division.) As you know so well, associated with every problem is an opportunity, and we believe that such an initiative would be extraordinarily timely.

I might add that our own Foundation continues to study the effectiveness of graduate programs and expects to invest very heavily in graduate fellowship support, especially in the humanities, during the next decade. We would not be taking such actions if we were not persuaded that the problems are very serious and that more funds are vitally needed.

With best wishes—and, once again, my thanks for your exceptional leadership in higher education over so many years.

Sincerely,

William G. Bowen

Good News for Humanists, Bad News for Humanities Departments

Research by Two Princetonians Concludes that Humanists and Social Scientists Will Be in Short Supply by 2000

Julie Ann Sosa '88 and William G. Bowen *58

IN THEIR BOOK *Prospects for Faculty in the Arts and Sciences,* William G. Bowen *58 and Julie Ann Sosa '88 examine academic labor markets over the next quarter-century. The first rigorous analysis of factors affecting supply and demand in these markets, it projects severe shortages of faculty members unless efforts are made now to strengthen graduate programs. A review by Ronald Ehrenberg, of Cornell University, for the *Journal of Economic Perspectives* called the book "the most important analysis of academic labor markets" since the mid-1970s.

Bowen, president of Princeton from 1972 to 1988, is president of the Andrew W. Mellon Foundation. His fields of academic interest are labor economics and the economics of higher education. Sosa, who as an undergraduate majored in the Woodrow Wilson School and served as chairman of the *Daily Princetonian,* is a Daniel M. Sachs '60 scholar at Worcester College, Oxford University.

The following interview with Bowen and Sosa was conducted by Princeton's director of communications, Justin Harmon '78. Copies of the book are available for $24 from the Princeton University Press, 3175 Princeton Pike, Lawrenceville, NJ 08648.

What did you set out to learn with this study?
BOWEN: The principal questions were, Are there reasons to expect academic labor markets in the future to be appreciably tighter or looser than those we have experienced in recent years? What is the outlook for faculty staffing in the arts and sciences? Should we anticipate shortages? Or should we discourage students from pursuing academic careers because we think there will be depressed times ahead?
SOSA: When the Mellon Foundation surveyed a group of college and university presidents, there was near-consensus that there are going to be staffing problems. However, there was no real body of evidence to support their concerns. There have been many studies of the outlook for staffing in the sciences and engineering, but no comparable work existed for the humanities and the social sciences.

What did you conclude about the outlook for staffing in the arts and sciences over the next quarter-century?
BOWEN: The framework of the study is a supply and demand apparatus, and it is important to distinguish between projections and predictions. Our projections show what *may* occur given current trends. We found that academic labor markets in the arts and sciences will tighten. We expect the most pronounced changes late in the 1990s, specifically between 1997 and 2002. The trends we project mean that it is likely to become harder to staff colleges and universities.

In describing the degree of tightness, we use the expected ratio of candidates to positions. We estimate that, in the period we've just been through, this ratio has been about 1.6 candidates per position. We think a reasonable norm is something like 1.3 candidates per position.

Why 1.3 specifically?
BOWEN: We would not go to our graves insisting on that as the norm, though it does seem reasonable on the basis of historical experience. But we would insist that the optimal ratio is greater than 1.0. Prospective faculty members prepared in one field are not usually qualified to fill positions in another field. Similarly, some candidates will want to work in some parts of the country, while the jobs may exist in other parts.

What are some of the ratios you project?
SOSA: We present four models that match supply with demand under different assumptions about such things as trends in the arts-and-sciences share of enrollments and in student-faculty ratios. Although the models make different assumptions, there is considerable congruence in their results, especially from 1997 onward.

We give the most emphasis to the model that assumes that both arts-and-sciences shares of enrollments and student-faculty ratios will remain stable. For this model, between 1987 and 1992, we project about 1.6 candidates for every position. By the period 1997 to 2002, that dips to 0.83 candidates for every position. Then the ratio holds roughly steady through 2012.

If you look specifically at the humanities and the social sciences in the base period 1987 to 1992, the ratio of candidates to positions is 1.36. By 1997 to 2002, the ratio falls to 0.71. This is one of the major findings of the study: we project that shortages will be more severe in the humanities and social sciences than in the arts and sciences generally. Most people would not have expected this result.

Why is this a surprise?
BOWEN: Mainly because so little has been done to study the humanities and social sciences. Almost everyone has focused on engineering, mathematics, and the physical and natural sciences. We're certainly not trying to downplay the seriousness of the problems that face the country in staffing those areas. They are very real. But we are suggesting that the problems are every bit as serious, and perhaps more serious, in the humanities and social sciences.

In relative terms, where do physics, mathematics, and the biological sciences come in?
SOSA: Mathematics and the physical sciences will both experience severe shortages as well. For them, the ratio is 0.80 candidates per position during the period 1997 to 2002. The biological sciences and psychology will show much less pronounced imbalances.

What differences do you find among the various sectors of education?
SOSA: The most pronounced shortages will mainly be a function of the age distributions of the respective faculties. Our projections indicate that the liberal-arts colleges and the large comprehensive institutions will experience the most severe shortages. Large research universities like Princeton will also experience shortages, but these shortages will occur sooner and be less severe, again because of the age distribution of their faculties.

BOWEN: But, in noting these differences, we would not want you to think that the general pattern is markedly different across these sectors. It isn't. Unless something changes, all types of schools will find it much more difficult to recruit faculty members ten years from now than they do today. As a consequence, institutions will be hard pressed to maintain the quality of their faculties. They may be compelled to appoint candidates they might have preferred not to appoint. There will be pressure to promote more quickly.

Heightened competition for faculty could take the form of offering lighter teaching loads. While that may work for one institution in bidding away people from other institutions, it's clearly no solution for the higher-education system as a whole. In fact, lighter teaching loads would aggravate the problem, and so we hope that it will not be the adjustment mechanism of choice.

It would be much better if salaries were to improve, and this should occur in any case. What would be most desirable is an increase in the number of candidates. Graduate programs must attract and retain larger numbers of well-qualified individuals.

Let's talk about your projections of supply. Would you describe the trends you've observed in the number of Ph.D.s awarded?
SOSA: The number awarded increased dramatically during the late 1950s and through the 1960s and reached a peak in about 1972. The number of U.S. residents receiving doctorates in all fields has declined significantly since then. These drops have been particularly pronounced in certain fields: mathematics, the humanities—especially foreign languages and literatures—and the social sciences.
BOWEN: At the same time, the share of doctorates heading into academia has fallen in almost all fields. That's in part because of the dismal academic labor markets of the 1970s. Many people who might have liked to have become academics had to find other employment. But that's by no means the full explanation. There simply have been many more attractive opportunities in fields outside higher education for people with doctorates.

Do you foresee any likely change in those trends?
BOWEN: Much will depend on policy decisions. The markets themselves will have an effect: that is, as academic labor markets tighten, more people will be encouraged to pursue Ph.D.s. There will be some automatic equilibration; but, in and of itself, this will not be sufficient to meet the need. Without interventions in the system, we see no mechanism strong enough to bring the number of Ph.D.s awarded back to anything close to the 1972 levels.
SOSA: Over the last thirty years, there has been a marked shift in the relative numbers of Ph.D.s being trained in various sectors. The leading research universities previously trained something like 80 percent of new Ph.D.s. That share had fallen to about 60 percent by 1987.

This means that there is a qualitative dimension to the faculty staffing problem. Colleges and universities that have been accustomed to recruiting their faculty from what they regard as leading universities will find it more and more difficult to do so, particularly as academic labor markets tighten.

How do you estimate demand for faculty?
BOWEN: There are two components. One is demand related to the creation of new positions and is determined by enrollments, by the choices students make as to their field of study, and by student-faculty ratios. This component of demand can be positive or negative, because higher education can expand—in which case "net new positions" is a positive number—or it can contract—in which case net new positions is a negative number.

The other component of demand is replacement demand, which is generated by people dying, retiring, or leaving academia for other vocations.

What trend do you see in the demand for new positions?
BOWEN: Demographics indicate some continuing decline over the next few years in the age group that traditionally makes up most of the college-bound population. Later there will be a significant upswing, which is one of the major reasons we foresee a substantial tightening of labor markets. There will be more students to be taught in the late 1990s.

Won't enrollment rates change?
BOWEN: We have assumed that the percentage of any given age group going to college will remain constant through this period. Some people have suggested that such an assumption is very conservative, because, historically, enrollment rates have risen. If this trend continues, then the number of students to be taught, and thus the demand for faculty, will be greater than we have projected.

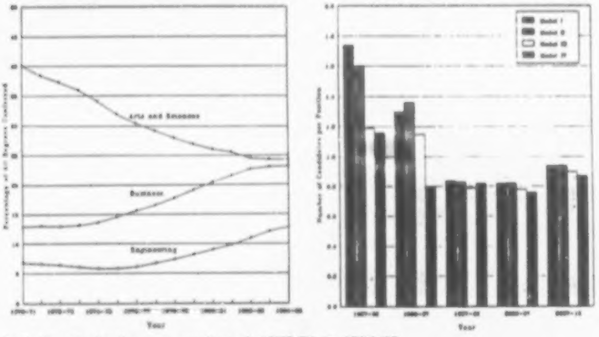
What do you project about enrollments across disciplines and across sectors of higher education?
SOSA: At both the graduate and under-

graduate levels, enrollments in the arts and sciences have dropped off severely. At the same time, students have migrated into fields that are more professionally oriented, like business and engineering. In 1970, about 40 percent of all degrees were conferred in the arts and sciences. By 1984, that number had dipped below 25 percent. The fastest, most severe shifts have been away from the humanities and social sciences. To us, the numbers were shocking. In 1970-71, more than 25 percent of all degrees were conferred in the humanities and social sciences. By 1984-85, the number had dropped below 15 percent and was approaching 10 percent. Within the humanities itself, it was something like 4.7 percent.

BOWEN: I think very few people would guess that less than 5 percent of all degrees conferred in the United States are in the humanities.

SOSA: It is interesting, too, that the flight from the arts and sciences has not been consistent across sectors, but has been more pronounced outside the research universities and the liberal-arts colleges. We may be seeing a growing specialization by sector.

We think that this is an important subject in itself. It obviously has implications beyond staffing, depending on whether one thinks that education in the arts and sciences ought to be concentrated in certain sectors of higher education.



Left: Trends in degrees conferred, 1970-71 to 1984-85.
Right: Projected number of candidates per position, all arts and sciences.

Do you expect this flight of enrollments from the arts and sciences to continue?

BOWEN: It seems to have stopped. We seem to have hit a floor, or at least a plateau. In projecting demand, we have worked with a variety of assumptions, but we believe that the arts-and-sciences share is most likely to remain more or less constant. It could increase somewhat—regain some of the ground it has lost—and if that happens, our projections of demand for faculty would again prove to be conservative.

What did you find when you measured replacement demand?

SOSA: We were able to document the aging of the faculty over the last ten years. The percentage of faculty members under the age of forty has declined, especially in certain fields of study. At the same time, the percentage of faculty members over forty-nine has gone up steeply.

BOWEN: We calculated what are called exit probabilities for each age group. The exit probability is the likelihood a person will retire, will die, or will simply leave academia. When you compare these probabilities to the age distribution, you find a smoother flow of people out of academia than most people had expected.

How will replacement demand contribute to overall demand for faculty?

BOWEN: The replacement demand will be large. It's by far the larger of the two components of demand, and it will contribute substantially to the shortages we project. Moreover, it will be steadier over time than most people had expected. The replacement demand will be larger, for example, between 1997 and 2002 than in the earlier periods, though not dramatically so.

How about the number of new positions?

SOSA: We anticipate a major change in the number of new positions in the 1990s. That's the really dynamic element causing projected shortages to become so large.

Between the intervals 1992-97 and 1997-2002, we project an increase in replacement demand of just under 2,000 positions. But we also project an increase in new positions of 12,200, because the number of net new positions shifts from a negative 3,600 to a positive 8,600.

Thus, while replacement demand will be high throughout the period we studied, and will be the dominant component quantitatively in each five-year interval, the demand due to net new positions will be much more volatile. It will change more from period to period, and thus it will be more responsible for the period-to-period shifts in the tightness of the academic labor markets.

Student-faculty ratios are the keys to translating anticipated changes in enrollments into actual demand for faculty. What trends do you see in these ratios?

BOWEN: Student-faculty ratios are very complicated. That's the sad reality for anyone studying this field. These ratios depend importantly on enrollments. When there are pronounced declines in enrollments in a particular field, the student-faculty ratios in that field should be expected to fall. That there are fewer students in a particular field does not mean there will be proportionately fewer classes or fewer faculty lecturing.

There was a drop in student-faculty ratios during the 1970s and the early part of the 1980s. It is now plausible to assume that student-faculty ratios will hold steady because the flight from the arts and sciences may be over. If the flight were to continue, student-faculty ratios would probably continue to drop. Conversely, if there were a recovery in arts-and-sciences enrollments, we would expect student-faculty ratios to rise, because larger numbers of students could be taught by the same complement of faculty members. The relationship is more or less symmetrical.

Looking at the policy implications, there will be an inevitable desire to wonder why institutions cannot be more responsive to enrollment in deciding the sizes of their faculties.

BOWEN: It's simply unrealistic to assume—because you may want to assume it—that, all of a sudden, student-faculty ratios are going to leap back up. We see no reason to believe that this will be the case.

It's possible that student-faculty ratios will be forced to rise because institutions simply will not be able to attract the faculty members they need. And so, willy-nilly, one adjustment mechanism could be a rise in student-faculty ratios. But that result has serious implications for the quality of the educational enterprise, whether you are thinking about teaching itself or about the attractiveness of the teaching profession to the ablest people.

The student-faculty ratio is best understood as the product of a whole set of forces, including market forces. It is certainly not something you can change by fiat.

What are some of the mechanisms that might help us adjust the imbalances of demand and supply that you project? Will salaries be an effective tool? Will retirement policies matter?

BOWEN: Salaries clearly will make some difference, but I think the evidence does not suggest that salary adjustments alone are likely to solve the problem.

Another, perhaps more surprising, conclusion we reached is that changes in the law having to do with retirements will be much less important in this context than has generally been assumed. People have often asked if an end to mandatory retirement ages would change this whole picture drastically. The answer is absolutely no. If retirement rates for each age group were cut in half, and a new equilibrium were reached after the initial shock to the system had been absorbed, the effect on the demand for faculty would be about 2 percent. And no one believes that retirement rates are going to be cut in half.

What other adjustment mechanisms might affect imbalances between demand and supply?

BOWEN: We've already talked about hiring standards, which can change. Greater use can be made of part-time faculty members. But the adjustment mechanism that seems to us to be the most preferable by far is to increase the number of graduate students who receive doctorates. We think there can be a significant recovery in the number of doctorates awarded in the arts and sciences.

How do we create that recovery?

BOWEN: Improved job opportunities themselves will encourage more students to begin graduate study. Some students already pursuing degrees may finish them more quickly. But much will depend on the emphasis universities give to graduate education and on the resources that are available to support it. The availability of fellowship assistance depends on decisions made by the federal government, as well as by universities.

But the whole process of graduate education is not well understood. We simply lack the information we need in order to make decisions about the future of graduate education. Our next research project is focused on that question.

What more do we need to know?

SOSA: We're collecting data from a set of universities across the country that will show the amount of time it takes graduate students to receive their Ph.D.s. We're also collecting data on how many people, once they enter graduate school, actually receive their Ph.D.s. Preliminary data indicate surprisingly high attrition rates in many Ph.D. programs, as well as a very long time-to-degree. We're also studying how different forms of financial support affect completion rates and the time-to-degree of recipients.

BOWEN: One important question is whether it's more appropriate to invest financial-aid funds in multi-year fellowships for students who are just beginning their graduate work, or whether it's better to concentrate more resources on students who are approaching the end of their graduate studies.

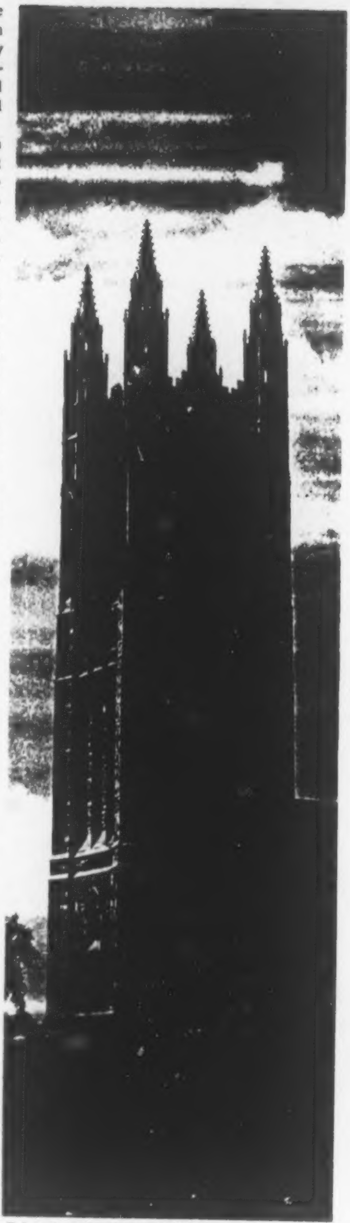
It's clear that the resources required to address the staffing problems we've identified are substantial. The resources that can be made available must be used as effectively as possible. We shouldn't simply ask public or private patrons to do more without first determining whether what is being done now is supporting graduate education as effectively as possible. Are there better approaches? What can the universities themselves do to improve the process of graduate education? What can individual departments do? These are some of the questions we are now studying.

What should we be doing to prepare ourselves to address the need for more Ph.D.s?

BOWEN: We hope that professors teaching undergraduates will encourage more of their able students to think seriously about graduate education in the arts and sciences. The Mellon Foundation supports a variety of programs intended to achieve that objective—especially for minority students.

What is needed is a renewed commitment to graduate education on the part of leading universities and, at the same time, a willingness by these universities to reexamine their present practices, particularly in the humanities and social sciences, to see if they are as conducive as they might be to getting graduate students through their schooling in reasonable amounts of time.

There is also an obligation to ask if we are investing sufficient resources in graduate education. My own view is that we are not, and that a greater national investment is required, primarily at the federal level. We ought to be thinking about the forms that investment should take, as well as about the deeper question of the long-term role of higher education in our society.



Princeton Graduate College

CROSSTALK

By Raymond J. Learsy

Crosstalk *is a column reserved for essays—by artists, critics, and curators—which do not necessarily reflect ICI's philosophy. We welcome your responses, in the form of letters or short essays, which we will consider periodically for inclusion in the Newsletter.*

Responding this fall to the furor raised by the Robert Mapplethorpe exhibition and the NEA funding of an exhibition that included the now-infamous Andres Serrano work, Congress voted to cut $45,000 from the NEA budget and mandated the transfer of $400,000 from the Visual Arts Program to other Endowment programs. These steps were meant as a message to the Endowment—not to fund discomfiting or controversial (possibly offensive) works. But much of the arts community greeted the news of the symbolic reduction of funding with stoic acquiescence. Their greatest fear had been that the NEA would be wiped out altogether or that it would become ineffectual as a result of the Helms Amendment—given the chilling effect it would have on the funding process and the independent judgment of the peer panel system.

Isn't it ironic? The same Congress that eliminated these $45,000 from the NEA budget appropriated or guaranteed $150 billion to salvage the savings and loan institutions. The same Congress allocated $75 billion for the production of Stealth bombers (at $500 million each). This, at the very moment when the Berlin Wall was, literally, being hacked away. And what are we to say to the interesting fact that the NEA budget (approximately $171 million) has increased only 7% in the nine years since 1981—a period during which the cost-of-living index has increased by more than 30%?

Congressional debate on the Helms Amendment, and the reprimand of NEA, should have provoked discussion of a far larger issue, namely, "What is the role of government, if any, in funding the arts, and is that funding as currently constituted adequate or inadequate?" Congressional Representatives Armey and Rohrabacher, among others, have argued most vociferously that government should not support the arts—that the arts should compete in the marketplace of ideas and commerce without government aid. Many, including those who believe that government funds would be spent more wisely in other ways, adhere to this argument. Its corollary is, of course, that art funded either fully or partially by government is the legitimate subject of political scrutiny and regulation.

The arts community is on the defensive, concerned that funds allocated to art, artists, or art institutions might be lost entirely or significantly reduced. Art institutions, many of which depend to some degree on NEA largesse, have accepted the Congressionally-mandated slights and threats of stricture in the hope that funding will remain accessible.

It is not the purpose of this short article to discuss yet again the merits of the Mapplethorpe or Serrano grants, or Congressional reaction to them, except to point out that they illustrate the relationship between government and the arts. Our government's concern for the arts is limited—and by setting aside only $171 million for the arts, government has sent a clear signal to that effect. Fair enough, that Congress chose to criticize NEA's granting process—but to combine that criticism with a mean-spirited reduction in its funding, no matter how nominal, given the billions that are bruited about Washington, bears witness to the grudging attitude with which this small amount is made available.

In other countries both government and the electorate consider funding for the arts a matter of great concern. Cultural institutions are thought to be the bedrock of civilization, the standard by which a society can be judged contemporaneously and by future generations. And the governments of such countries address this concern. Funding is made available to art institutions—to theatres, opera companies, dance companies, museums, schools for the training of artists, and for exhibitions, etc.—in ways unthought of in the United States.

The United States allocates $3.00 per individual of government spending to the arts. Compare this with $32.00 in Canada, $27.00 in West Germany, $32.00 in France, and so on. In 1989 alone, France's budget for the arts increased by 5% to approximately 10 billion francs ($1.725 billion), representing 0.85% of the total national budget. France has a population one-fourth that of the United States, and its national budget for the

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CROSSTALK

continued from page 1

arts is more than five times greater than the amount our government sets aside for both the National Endowment for the Arts and the National Endowment for the Humanities. If our government dedicated 0.85% of the national budget of $1,179.4 billion, the provision for the arts would exceed $9.3 billion.

I think these figures say a great deal, perhaps too much, about who we are, about our values and our sense of civilization, and about our attitudes toward the cultural heritage of present and future generations of Americans. In response to those who argue against government funding of the arts we must answer in favor of the preservation and continuance of our nation's culture. The arts community, its constituents, and sympathizers must organize coherently and politically in order to present these issues to the elected representatives who can address them. Until this is done, government will percieve no need for responsibility in the area of funding for the arts. The result will be the continued tokenism of a few marginally-funded government programs such as NEA. In light of the extraordinary events of the past year, *this* is the time to review national priorities. **ICI**

Raymond J. Learsy was appointed to the National Council on the Arts by President Ronald Reagan, and was a member from 1982–1988. He was a member of ICI's Board of Trustees from 1986–1989.

Senator Pell. Thank you all for being with us, and the subcommittee is herewith adjourned.

[Whereupon, at 11:09 a.m., the subcommittee was adjourned, subject to the call of the Chair.]

REAUTHORIZATION OF THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT NATIONAL ENDOWMENT FOR THE ARTS

THURSDAY, MARCH 29, 1990

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES,
OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m., in room SD-430, Dirksen Senate Office Building, Senator Claiborne Pell (chairman of the subcommittee) presiding.

Present: Senators Pell, Metzenbaum, Simon, Kassebaum, Thurmond, Jeffords, and Cochran.

OPENING STATEMENT OF SENATOR PELL

Senator PELL. This hearing of the Subcommittee on Education, Arts and Humanities will come to order. I am delighted of the interest in this hearing. I do not think we have ever had such a full room right on the stroke of 10 o'clock, and I am glad you are all here.

Today marks the second in a series of hearings in our subcommittee on the reauthorization of the National Foundation on the Arts and Humanities Act of 1965. This legislation governs the three leading cultural agencies of our Federal Government: the NEA, the National Endowment for the Arts; the NEH, the National Endowment for the Humanities; and the IMS, the Institute of Museum Services.

Much has happened since our last in-depth look at these agencies 5 years ago. The new administration is in place, bringing with it a change of leadership at the Arts Endowment and the Institute of Museum Services. There have been program shifts and changes in budget priorities. But beyond the physical and programmatic changes, there are new and similar disturbing external forces at play that are questioning not only the content of some of these programs, but the very existence of the National Endowment for the Arts.

Today the focus will be on the Arts Endowment and it is my intention to explore with our witnesses many of the questions being posed today. As the original author of the Senate legislation, along with Jack Javits, that created the Endowment, I am proud of its accomplishments. Its record is exemplary with only a handful of controversies over a quarter of a century of very successful work. It has carried out its mandate to encourage the growth of America's cultural life with flying colors. And most important, it has brought the arts within the reach of every American.

Before we proceed, let me read for the record the language from the 1965 Senate Committee Report. It speaks to all of us participating in this debate 25 years later. From my perspective I can recall that event 25 years ago as if it was a year ago.

"It is the intent of the committee that in the administration of this Act there be given the fullest attention to the freedom of artistic and humanistic expression. The committee wishes to make clear that conformity for its own sake is not to be encouraged, and that no undue preference should be given to any particular style or school of thought or expression. Nor is innovation for its own sake to be favored. The standard should be artistic and humanistic excellence."

This expression 25 years ago is just as important and valid today. I also want to recognize the very supportive position that President Bush has taken in regard to this reauthorization. His endorsement of current law, which always been free of content restrictions, is a positive and helpful step. We should all be very grateful to him for the wisdom and leadership he has shown at this critical time. His position once again emphasizes that support for the mission of the National Endowment for the Arts and its system of peer panel review is truly bipartisan.

I share the President's confidence in John Frohnmayer as well. He is a responsible and committed person who fully appreciates the benefits that the arts have on our national life. We will work through this process together and ensure that the Endowment is not only renewed but that it is renewed free of content restrictions that stifle the creativity it is supposed to nurture.

I want to welcome Mr. Frohnmayer to his first reauthorization hearing in the Senate. I am delighted you are here to share your views with us and to discuss the future of your agency.

As I might not have a chance later, I also want to thank all our other witnesses for taking time out of their very busy schedules to join us today.

And, finally, I want to point out that this hearing on the Arts Endowment will be continued on April 27, and the record will remain open until then.

And I would ask unanimous consent to insert in the record the editorial from the *Washington Post* this morning which I think phrases the problem very well indeed.

[The editorial referred to follows:]

THE PRESIDENT ON ARTS FUNDING

[From the *Washington Post*—Thursday, March 29, 1990]

The Senate begins hearings today on the issue that was last summer's longest-running senation: the matter of what restrictions, if any, should be placed on federally funded art. But the script so far has unfolded with one major difference—an explicit stance by the White House against any legislation that would impose such restrictions through Congress.

The President's budget first telegraphed this position when it offered no proposed restrictions—and a small budget increase—in its five-year reauthorization of the National Endownment for the Arts, which became the target of fierce attacks last summer for grants to artists Andres Serrano and Robert Mapplethorpe. When asked about the issue at a press conference last Friday, the President went further. He answered that he was "deeply offended by some of the filth that I see into which federal money has gone . . . but I would prefer to have this matter handled by a very sensitive, knowledgeable man of the arts, [NEA head] John Frohnmayer, than risk censorship or getting the federal government into telling every artist what he or she can paint or how she or he might express themselves."

This, together with the budget, stakes out a clear and measured position: To object to certain uses to which NEA money has gone, and to accept the government's right to make such objections, and also to believe that Congress is the wrong body and broad legislation the wrong vehicle through which to make them. There are better ways to make such distinctions, ways that do not threaten whole categories of subject area or drastically narrow artists' scope. The arts endowment's chairman, John Frohnmayer, has testified before a House subcommittee on ways in which the endowment itself can become more public and responsive in its decisions, including opening the delibertions of some selection panels to the public; several state councils do this already.

When the Senate last summer overwhelmingly supported a proposal by Sen. Jesse Helms (R-NC) to impose sweeping restrictions on federally funded art, passing it by voice vote without debate in near-empty chamber, many lawmakers later said they had acted out of fear that any attempt to protect the endowment would be used to label them pro-pornography in attack ads at home. What they and their House counterparts lacked was credible political cover for voting their convictions, and that protection is what President Bush has now given them by his carefully modulated statement.

Senator PELL. And I will now turn to the ranking minority member, the Senator from Kansas, Senator Kassebaum.

OPENING STATEMENT OF SENATOR KASSEBAUM

Senator KASSEBAUM. Thank you, Mr. Chairman.

First, I would just like to say to Chairman Frohnmayer what a fine job I think he has done. He is providing quality leadership at a sensitive and difficult time. The subcommittee today is beginning, of course, the hearing on the reauthorization of the National Endowment for the Arts, and we have a number of very distinguished witnesses appearing this morning. Their various accomplishments in the arts offer living testimony to the richness of our Nation's cultural heritage.

For 25 years, the NEA has helped nurture this heritage—not only supporting our celebrated institutions, groups, and individuals, but also extending the reach of the arts to communities in all corners of our Nation.

Thus, the NEA approaches reauthorization with a proud history of accomplishments. At the same time, the Endowment finds itself also in a climate of controversy and uncertainty. Although few in number, some work supported by the Endowment has brought to the center of the debate questions regarding accountability for tax dollars.

Many of my constituents have been deeply offended by the work at the center of this controversy, and I cannot say that I blame them. I, too, have found the work under question to be offensive. People have legitimately asked why they should be expected to help pay for it. It is true that much art is intended to be provoking. That I suppose has been the challenge of artists through the years. The trouble begins when people are asked to pay for the privilege of being provoked.

As in many other area of Federal spending, taxpayers are seeking accountability. They are asking questions about how these funding decisions are being made and by whom. There is a sense that decisions are being made in a vacuum by individuals who disregard any views but their own. They question whether procedures are in place which can address their concerns.

In short, they are asking us to run a tighter ship. I believe some important steps have already been taken, and I think it is important to review how they are working. The task before us is to demonstrate that we are making responsible use of tax dollars. We must acknowledge the legitimacy of these concerns. I think we would be remiss if we did not do so and respond seriously in our respective capacities to them. I look forward to any guidance our witnesses might offer as we undertake this effort.

[The prepared statement of Senator Hatch follows:]

PREPARED STATEMENT OF SENATOR HATCH

Senator **HATCH**. I look forward to reviewing the testimony of this hearing. I am a great supporter of the arts and believe that our nation benefits from an occasional shift in focus from day to day problems and issues to things that give greater quality to our lives, music and art.

Salt Lake City has great cultural opportunities available to its citizens, especially considering the size of our state. The Utah Symphony is one of the best symphony orchestras in this country. Both Ballet West and the Utah Opera, because of their outstanding work, attract internationally known artists to perform in Utah. I am delighted that the people of Utah have chosen to give the necessary support to these groups so that the arts can have an uplifting effect in our state.

The reauthorization of the National Endowment for the Arts comes at a time when the public is asking a lot of questions about the role of the Federal Government in the arts, specifically in the funding of the arts. The new NEA director, John Frohnmayer, has publicly addressed the concerns of many regarding the funding of the arts, and has given assurances that the procedures employed by the Endowment to award funds will be reviewed. Every precaution will be taken to ensure a wise use of the funds entrusted to the Endowment.

Mr. Chairman, it is absolutely mandatory that Mr. Frohnmayer as director and we in the Senate balance the need for supporting the arts without severe restrictions on creativity with the genuine concerns and sensibilities of the taxpayers. This is a delicate balance and one that Mr. Rohnmayer has assured me he understands.

In supporting the arts, the National Endowment has helped us to understand the beauty of our country, the diversity of our people, and the humor, sorrow, and joy in our daily lives. I commend Mr. Frohnmayer, his staff, and the witnesses here today for their contribution to this effort. I hope we can move forward on responsible legislation to reauthorize these programs.

Senator **KASSEBAUM**. Mr. Chairman, I would also like to ask that a statement by Senator John Chafee be made a part of the record at this point.

Senator **PELL**. Without objection.

[The prepared statement of Senator Chafee follows:]

PREPARED STATEMENT OF SENATOR JOHN H. CHAFEE

Senator CHAFFEE: I'd like to thank both Senator Pell and Senator Kassebaum for allowing me to testify today on an issue that has received a great deal of attention lately: Federal funding of the arts via the National Endowment for the Arts (or NEA). I'd also like to welcome Franklin Robinson to Washington, and I look forward to having the benefit of his experience and views.

Last year, as we all remember, the NEA came under intense public and congressional scrutiny for having indirectly supported certain distasteful exhibits by two artists: Robert Mapplethorpe and Andres Serrano. As a result of the uproar, Congress struggled for months with the question of just what the relationship between art and government should be.

Finally, after numerous hearings, heated floor debate, several roll call votes, and a lengthy House/Senate conference, an uneasy compromise (based in part on the now-famous "Helms amendment") was forged. Yet the compromise left a bad taste in everyone's mouth.

I was active in last year's Senate debate on the NEA, and was one of the two members who rose last July to speak against the first Helms amendment. Why? Not because I am a big fan of the Mapplethorpe portfolio. Not because I think art should be offensive, or pornographic. And not because I believe lascivious artists should live high off the hog on taxpayers' money.

I rose because the amendment came dangerously close to prescribing what constitutes "art." And for me, that comes dangerously close to censorship—a very, very slippery area. I certainly don't endorse pornography. But I also don't endorse attempts to douse our much-admired American spirit, our ability to express ourselves freely and creatively. As President Bush said recently, "I would prefer [not to] risk censorship, or [get the] Federal Government into telling every artist what he or she can paint, or how he or she might express themselves."

There is another argument expressed—that the government has no business funding the arts at all, especially in this time of budget deficit. Reinforcing that view is the constant reference made to the "sick art" and "immoral trash" funded by the NEA. Those references gave many the impression that a radical, independent agency known as the NEA has been running amok promoting offensive art since 1965.

I agree that we must be careful to spend money on only those programs that are worthwhile. But I do not think that the majority of people realize to what extent the NEA has touched their communities. It is an agency that has proven itself to be not only worthwhile, but exemplary.

The NEA was created with bipartisan support in 1965 with the goal of fostering professional excellence of the arts in America, and helping create a climate in which the arts may flourish. To that end, the NEA has successfully provided 85,000 grants since its inception in 1965. Of these, less than 25 have been the subject of controversy. That is a track record to be very proud of.

My home State of Rhode Island is small in size, but rich in cultural and artistic activity. For us, the NEA has had a far reaching and positive impact on our children, our communities, and even our economy. Last year, all 39 cities and towns in Rhode Island participated in arts programs, and more than 2.6 million people attended non-profit arts events sponsored in part by the NEA. Rhode Island received $796,000 in FY 89 NEA monies, benefiting 128 organizations, 500 schools, and 60 artists. The net result? A flourishing, popular public arts program, and a boost of $72 million to the Rhode Island economy.

I might add that NEA monies are often matched 3:1 by private sector funds, thus generating a tremendous amount of support for, and stimulating public/private partnerships in, the arts. Those partnerships bring communities together for the enjoyment and benefit of all involved.

Furthermore, contrary to popular belief, NEA funds are not reserved exclusively for artists and art institutions. In fact, the broad, diverse range of individuals and groups that receive NEA support would come as a very big surprise to most. Schools, churches, community groups, groups for those with mental or physical handicaps, libraries, boys and girls clubs, parks, theatres, and even prisons receive help for their arts and arts-related programs.

NEA-sponsored projects are not elite, radical activities that are of interest to only a very few. They are projects that are accessible to everyone, projects that improve the quality and richness of our—and our children's—lives. Most of us have probably taken part in NEA-sponsored events without ever realizing it. For example, here are just some of the hundreds of NEA-supported Rhode Island projects:

> "Project Discovery," which allowed 18,500 students to attend 41 performances at Trinity Repertory Company in Providence;
>
> The West Warwick "Chance to Dance" afterschool activity for over 100 5th- and 6th-graders;
>
> Museum tours and programs for 12,000 students at the R.I. Museum of Design;
>
> A Pawtucket art program for persons with cerebral palsy;
>
> The Providence *First Night* celebration;
>
> The Newport Folklore Society;
>
> The Cranston "Big Sister" Association; and
>
> The Boston Museum of Fine Arts' Renoir exhibit.

That's an impressive list!

Mr. Chairman, if there is any debate today about the importance of the NEA, it should be framed in terms of the overall record of the agency, not in terms of a few individual grants that may have escaped careful scrutiny. A few rotten apples in the bunch should be viewed for what they are—anomalies—instead of being used as the yardstick by which the entire agency is judged.

Let's let the fires of originality burn. Sure there will be some singeing, but I think that is a risk worth taking if we want to allow American creativity to shine. I don't think we want to see "safe" art—that of the lowest common denominator—become the only art supported by the NEA. The NEA has helped our arts programs flourish. That is what it was created to do. And it is working.

Senator PELL. The Senator from Ohio, Mr. Metzenbaum.

OPENING STATEMENT OF SENATOR METZENBAUM

Senator **METZENBAUM**. Mr. Chairman, I am pleased to be here to join you and others to express my strong support for the National Endowment for the Arts.

Since 1985, the Endowment has played an important role in keeping American arts healthy, creative, and alive. It has encouraged and supported artists, promoted excellence in dance, theatre, music, the visual arts, and other fields. It has helped to make the arts accessible to an ever wider audience, and has leveraged millions of dollars of support for the arts from the private sector.

To a great extent, the Endowment has been responsible for the explosion of dance companies, theater groups, and opera performances which have occurred over the last 25 years. In my own State of Ohio, the Endowment has provided support for a wide range of programs and institutions across the State, including art museums, ballet, symphony orchestras, dance groups, folk art festivals, opera companies, and theater groups. These programs have immeasurably enriched the lives of the citizens of my State.

Endowment support has also contributed to economic development, stimulating revenue and creating jobs. Cleveland's well-known Playhouse Square, for example, which has brought important cultural and economic advantages to my own home city, was begun with a challenge grant from the National Endowment for the Arts.

These are just a few examples of the many ways in which the Endowment has helped to generate support and enthusiasm for American arts.

Unfortunately, as the Endowment faces its 25th Anniversary, it is also facing challenges to its methods and even its very existence. These controversies must not be allowed to overshadow the excellent job which the Endowment is doing.

The Endowment operates under a careful system of procedures set up to select grant recipients and distribute Federal arts dollars responsibly, while protecting artistic freedom from Government control. Funding recommendations are made by peer review panels of respected professionals in the arts, not by Government employees.

This system is the cornerstone of the Endowment's process, and on the whole, it has worked extremely well. Artistic freedom has not been compromised, and it is the rare exception when public funds are used to support art which elicits in some people's minds widespread public opposition through the 25-year history of the Endowment. Throughout that period, it has awarded more than 85,000 grants, only about 20 of which have stirred controversy. That is a pretty good record. And I am frank to say, that I do not think HUD or the Pentagon or many other Federal agencies could meet that same record.

True, a small number of grants have been made that have offended some, and controversies will probably arise again in the future. There may be ways that the panel system can be fine-tuned and improved. A commission has been established to look into this, and the chairman of the Endowment may have some recommendations as well. In the long run, I strongly believe that continuation of the current peer review system, with its respect for artistic freedom, will serve us better than any alternative. This Senator does not believe that we ought to be telling artists what they can do and what they cannot do, and we ought not to be setting standards prescribing certain kinds of activities.

And this Senator does not believe that artists ought to have to make any oaths or swear or affirm to their attitudes or their art. I think that it is a violation of their own individual rights.

It is ironic that when the whole world seems to be embracing the idea of freedom, we are facing these challenges to free expression here in the United States of America. Last week, Vaclav Havel, playwright and new President of Czechoslovakia, sent a moving letter to the American artistic community. He said:

"We know first hand how essential is a fierce, independent, creative artistic spirit to the attainment of freedom. Through a long night of repression and control, the artistic community in our land helped keep alive the unquenchable flame of freedom. And artists played a central role in helping organize our final transformation to a new democratic State."

"There are those around the world, indeed even in those democracies with the longest tradition of free speech and expression, who would attempt to limit the artist to what is acceptable, conventional, and comfortable. They are unwilling to take the risks that real creativity entails. But an artist must challenge, must controvert the established order. To limit that creative spirit in the name of public sensibility is to deny to society one of its most significant resources."

It could not have been said better. We would do well to heed Vaclav Havel's words.

I am pleased that the President has indicated support for the Endowment and has offered a reauthorization proposal which rejects restrictions on what the Endowment may fund. I look forward to learning more about this proposal, and to hearing the views of today's distinguished witnesses on the future of this important agency, which has contributed so much to the cultural life of our Nation.

And I must say that I regret that when the restrictive language was added on this issue on the floor of the Senate, there were only a few of us on the floor of the Senate that ere taken aback. We voiced our oral opposition to it, but it did not make the Senate look that much more creditable, and I am certain that we can and should pass legislation without the restrictive prescriptions that have been suggested and added in the past.

Senator PELL. Thank you very much, Senator Metzenbaum, and your own interest in the arts over the years has been tremendous, particularly in helping to organize Concerned Senators for the Arts.

Senator Jeffords.

OPENING STATEMENT OF SENATOR JEFFORDS

Senator JEFFORDS. Thank you, Mr. Chairman.

I have a brief statement. I am certainly looking forward to the hearing today. As co-chairman of the Congressional Arts Caucus, and a long-time supporter of the arts, I am encouraged by the increases recommended in the President's budget request. The National Endowment fulfills a very important dual role of stimulating development and access to the arts across the Nation, while also providing a significant catalyst for private support of the arts.

I also want to commend the President for his courageous statements regarding the NEA and on his proposed reauthorization legislation. The administration has taken a heroic first step, in action and statements, toward support of the artistic self expression in the midst of much controversy and misinformation. I believe the President's forthright comments will provide direction and assistance to the committee during the NEA reauthorization, and I commend him, again, for his statements and the legislative proposal.

The Endowments and the Institute of Museum Services have played a vital role in the promotion of the arts and hence an instrumental role in the education of our society. Through grants to States, institutions and individuals, the NEA has increased access to the arts enormously.

On numerous occasions, I have heard from Vermont organizations and individuals about their personal involvement with the Endowments and the Institute of Museum Services. These people—ranging from the dance instructor, casual art enthusiast, to the performing artists—join in enthusiastic support for these programs. They also share the belief that the arts and humanities, as a reflection of ourselves as a culture and society, are essential and deserve continued support.

Unfortunately, such positive statements and positive efforts initiated by the NEA have been clouded over by a very few controversial art works. Last year, this body was thrown into the midst of a debate that had little to do with the merit of art, but which had the effect of hindering the promotion of art. It was a debate that focused national attention on only one of thousands of programs funded by the NEA. I am hopeful that such a debate will not overshadow the reauthorization process again this year.

But, it is not my intention to begin a debate or review the past debate. Today, we have before us a "clean slate" so to speak. The President has put forth a straightforward bill to reauthorize the Endowment. And as a committee, we should follow the President's lead and move toward a similarly straightforward reauthorization. Such legislation can reverse the negative reputation overshadowing the NEA. It can clear the air of misinterpretation and educate the Nation to the positive aspects of the NEA charter and it's programs.

While, I appreciate the concerns that have been raised regarding certain works of art, it is my sincere hope that we do not entangle ourselves in constitutional questions or move toward a bill which will set standards for artistic merit. Instead, suggestions to open the decision and grant making process will better address the problem than federally imposed restrictions on certain art forms.

I am anxious to hear the testimony of our witness. I have had a very interesting discussion with Mr. Frohnmayer and agree with him that at this particular time in our history we have an incredible opportunity to forthrightly promote the great benefits of this Nation through the art and the culture in the arts. And, that opportunity which will not be expensive in terms of dollars, could be incredibly effective in terms of results in assisting the emerging democracies to continue forward with the positive role being played by our arts.

So I thank you, Mr. Chairman, for this opportunity.

[The prepared statement of Senator Jeffords follows:]

PREPARED STATEMENT OF SENATOR JEFFORDS

Senator **JEFFORDS**. Mr. Chairman, thank you. I, too, would like to extend my welcome to the witnesses testifying before us today, and look forward to their comments.

As Co-Chairman of the Congressional Arts Caucus, and a long-time supporter of arts, I am encouraged by the increases recommended in the President's budget request. The National Endowments fulfill an important, dual role of stimulating development and access to the arts across the nation, while also providing a significant catalyst for private support of the arts.

I also want to commend the President for his courageous statements regarding the NEA and on his proposed reauthorization legislation. The administration has taken a herioc first step, in action and statements, towards support of artistic self expression in the midst of much controversy and misinformation. I believe the President's forthright comments will provide direction and assistance to the committee during NEA reauthorization and I commend him, again, for his statements and legislative proposal for reauthorization.

The Endowments and the Institute of Museum Services have played a vital role in the promotion of the arts and hence an instrumental role in the education of our society. Through grants to states, institutions and individuals the NEA has increased access to the arts enormously.

On numerous occasions, I have heard from Vermont organizations and individuals about their personal involvement with the Endowments and the Institute of Museum Services. These people—ranging from the dance instructor, casual art enthusiast, to the performing artists—jo9in in enthusiastic support for these programs. They also share the belief that the arts and humanities, as a reflection of ourselves as a culture and society, are essential and deserve continued support.

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Instead, suggestions to open the decision and grant making process will better address the problem than federally imposed restrictions on certain art forms.

I am anxious to hear the testimony of our witnesses. In a recent conversation with John Frohnmayer, I was encouraged to hear some of the many positive NEA initiatives that he envisions and which reflect my own concerns regarding cultural exchange and international education. As we discussed, the time is ripe for cultural overtures to our new democracies in Eastern Europe. Just as France offered such an overture of goodwill in giving our emerging democracy, centuries ago, the Statute of Liberty, now it is our opportunity to do the same.

Such are the positive, educational initiatives that can be incorporated into the reauthorization of the NEA. I am hopeful that this committee can work in such a spirit during reauthorization deliberations.

Again, I thank the Chairman and I look forward to working closely with my colleagues during the reauthorization process.

Senator PELL. Thank you very much indeed. The Senator from Illinois, Senator Simon.

OPENING STATEMENT OF SENATOR SIMON

Senator SIMON. Thank you, Mr. Chairman.

I join my colleagues. I think Senator Metzenbaum's statement about 85,000 grants, 20 of which are controversial, keeps things in balance. I think the unfortunate thing about all this discussion, however, is that we are focused on those 20 rather than the adequacy of our support of the arts.

When I was in the Army, I was stationed in Germany in a town of 40,000 by the name of Coburg. In Coburg, 40,000 people, they just assume that a town of 40,000 would have a professional year-around orchestra, professional year-round opera company. We automatically assume that a town of 40,000 does not have these things.

I think we have to take a look at what we are doing in depriving ourselves of an enrichment that ought to be in all of our communities and all of our neighborhoods. The focus of our discussion should be much more, not on whether or not we limit the arts, but it ought to be on the adequacy of what we are doing.

Thank you, Mr. Chairman.

[The prepared statement of Senator Simon follows:]

PREPARED STATEMENT OF SENATOR PAUL SIMON

Senator SIMON. Mr. Chairman, I am pleased to be here today in support of the reauthorization of the National Endowment for the Arts (NEA).

As many of you know, I have been actively involved in the arts for a number of years on a variety of levels. In fact, during the late

1950s, while in the Illinois Legislature, I introduced the first bill in the State to create a State Arts Agency. At the time, only New York State had an Arts Agency. Eventually, a version of my bill was enacted into law.

During Reagan's first term, when he annually proposed cutting NEA's funding, I Chaired the House Subcommittee on Post-Secondary Education, which had jurisdiction over the arts. There was strong support for cutting what many considered "frivolous" expenditures. But, as I stated in 1981, we spent $150 million on Military Bands for the Defense Department, I felt we could certainly spend at least that much in support of the arts for the entire nation. I was successful in keeping these cuts at the same level as other domestic agencies. In addition, I was on the Budget Committee and was able to insert language into the Reconciliation bill to prevent further cuts in the arts.

Mr. Chairman, the arts are vital to the health and well-being of our country. It is important to encourage writers, artists, and historians who add vision and dimension to life in our great nation. As I have said before, it is often difficult to prove that the arts are vital to a country, just as you cannot prove the existence of beauty or love or faith or any other dimensions of life that place us above the animal level. You can, however, verify what the arts do for the economy.

The arts are a strong economic resource for many states. In 1987, the not-for-profit arts organizations were responsible for adding $65.5 million to Illinois' economy. In Chicago, it has been estimated that for every dollar spent on the arts, there is a ripple effect of five to seven dollars. When the King Tut exhibit was at the Metropolitan Museum of Art in New York City, it brought to the city more than $1 million worth of additional expenditures each day. Audience surveys have shown that cultural tourists are often better educated, richer, tend to stay longer when visiting a place, and return to it more often than general tourists. This translates into increased revenues for the State providing the cultural and artistic areas or institutions for cultural tourists to visit. An estimated 220,000 people visited Illinois in 1987 strictly because of the arts. Their spending generated approximately $88.5 million in economic activity in the state.

Every dollar invested in the arts is an investment in a community. Many companies looking to relocate consider as one of their top criteria the quality of life the area provides. Thus, the cultural and artistic attributes of the city become very important aspect in attracting industry.

In addition, approximately 1.5 million Americans are employed in artistic occupations. The arts are labor intensive; therefore, a higher percentage of economic spending arts institutions goes into wages, which means that the arts are a greater generator of tax revenues for communities. In my State of Illinois, the arts industry generated approximately $4.2 million in State income tax revenues alone from arts-induced employment during 1987.

Mr. Chairman, the actual number employed is only part of the picture. All too often we think of the art community as only consisting of those who are professional artists and institutions. The art community, in fact, is made up of a wide range of individuals and organizations. It includes those who appreciate, as well as participate in the creation of art. It is a broad and diverse constituency.

A 1988 study done for the American Council for the Arts (ACA) showed that a "solid majority of Americans attend arts events, and large groups actively participate in a variety of arts forms ranging from photography to ethnic dance." Every year more people attend arts events than sports events. In 1987, more than 20 million people statewide attended not-for-profit arts activities in Illinois.

There is no question that the arts greatly benefit the economy of Illinois and of the Nation. We should continue to encourage the growth of the arts throughout the country.

Mr. Chairman, 25 years ago, the Federal Government made a commitment to the arts through the creation of the National Endowment for the Arts. At that time, there were only seven State arts councils and a handful of local ones. Now every State has an arts council and there are 2,300 local councils. The NEA has been successful in expanding the accessibility of the arts.

Although Federal money accounts for less than 10 percent of many arts organizations budgets, and few individual artists benefit directly from Federal grants, the funds provide important seed money to encourage a variety of artistic projects and institutions throughout our country. The 85,000 grants awarded by the NEA since its inception have affected and inspired not only those receiving the grants, but all those who view the art.

The Endowment awarded 168 grants in Illinois in FY 89. Many wonderful projects, artists, and organizations benefited from the grants. For example, a small grant given 2 years ago to the Steppenwolf Theatre in Chicago gave birth to an internationally acclaimed Broadway play currently playing to rave reviews, "The Grapes of Wrath." The production would not have been possible without the help it received in the beginning from the NEA.

There has been some controversy over the artistic merit of certain works that have received partial funding from the Endowment. The NEA did approve two exhibits last year that I feel were not in good taste, and that I would not have approved had I been making the decision.

However, I was not on the panel that reviewed the applications, nor should I have been. The NEA's mission statement says, "We must exercise care to preserve and improve the environment in which the arts have flourished. We must not, under any circumstances, impose a single aesthetic standard or attempt to direct artistic content." I couldn't agree more. If the NEA is not allowed to test, provoke, inspire, or make mistakes, then the NEA is not doing the job Congress intended. Given the more than one million images that have been sponsored by the NEA, only ten have been controversial. I'd say that's is a pretty good track record.

Mr. Chairman, the arts are so very important to our history, our economy, and our lives. As Congress declared in the National Foundation on the Arts and Humanities Act of 1965, "world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the nation's high qualities as a leader in the realm of ideas and of the spirit." These ideas are found in the arts and the humanities.

I urge my colleagues to support reauthorization of the National Endowment for the Arts and Humanities.

Senator PELL. Senator Thurmond.

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Chairman, I would like to commend you for holding this second in a series of hearings on the Arts, Humanities and Museums Amendments of 1990. This legislation would amend the National Foundation on the Arts and Humanities Act of 1965, as amended, the Museum Services Act, and the Arts and Artifacts Indemnity Act, as amended. Last week, this subcommittee held a hearing on the reauthorization of the Institute of Museum Services. Today, in this first of two hearings, we will focus on the reauthorization of the National Endowment for the Arts, known as NEA.

Since its inception, 25 years ago, the NEA has successfully served its mission: "to foster the excellence, diversity and vitality of the arts in the United States; and to help broaden the availability and appreciation of such excellence, diversity and vitality." The NEA provides three major types of financial assistance: nonmatching fellowships to artists of exceptional talent; matching grants to nonprofit, tax-exempt organizations and projects of the highest artistic level and of national or regional significance; as well as matching grants to State and local arts agencies and regional arts groups.

The matching grants programs, allow qualified persons and organizations to match NEA funding at a level averaging $3.00 for every Federal dollar. In 1989, $153 million in Federal funding for the arts helped to produce $1.4 billion in support from the private sector in the United States.

Through the NEA Challenge Grant Program in Fiscal Year 1989, the South Carolina Educational Television Network (SCETV) received a grant of $750,000, to enable it to purchase state-of-the-art broadcast and recording equipment. With this funding, SCETV will be able to establish a large television production studio specifically designed to create quality arts programming for national distribution. The NEA also awarded a $15,000 grant to the Charleston Symphony Orchestra, to conduct in-school programs in public schools, as well as to present concerts for developmentally handicapped persons, in cooperation with the South Carolina Department of Mental Retardation.

When Hurricane Hugo devastated a large portion of my State last year, the NEA provided $100,000 in funding to the South Carolina Arts Commission and $200,000 to the City of Charleston, to assist in arts-related recovery efforts. These examples illustrate the diversity of worthy projects that are fostered through the support of the NEA.

Mr. Chairman, unfortunately, there have also been some instances of projects that have received NEA funding, that are both distasteful and offensive to a large segment of the American public. A case in point, is the controversial "Tongues of Flame" exhibit,

that was shown at the University Galleries of Illinois State University, from January 23 to March 4, 1990. This exhibition was awarded a $15,000 matching grant by the NEA.

Although I do not feel that the right of our citizens to free expression should be circumscribed in the arts, I do believe that we, as elected representatives, have an obligation to the American taxpayers to ensure that Federal funding is not provided by the NEA, or any other Federal agency for the promotion, dissemination, or production of materials or performances that may be considered obscene, and which, when taken as a whole, do not have serious literary, artistic, political or scientific value. Accordingly, I was pleased to support the Conference Report for H.R. 2788, the Department of the Interior and related agencies appropriations measure for Fiscal Year 1990, which among other things, expressed the sense of the Congress that procedures of the NEA and its panels system can and should be improved in making grants.

Mr. Chairman, I would like to welcome Chairman John Frohnmayer of the NEA, and the other witnesses here today. Mr. Frohnmayer is very interested in his job, and I think he is performing in an excellent manner.

My schedule will not permit me to remain for the entire hearing. However, I shall review the testimony that is presented with interest. Thank you very much, Mr. Chairman, for holding this hearing.

Senator PELL. Thank you very much, Senator Thurmond, and for your very helpful testimony for which I find myself in considerable servicing.

Senator METZENBAUM. Mr. Chairman, I am going to excuse myself because I am due to speak on the floor at 10:30 a.m., not from a lack of interest as to Mr. Frohnmayer's testimony. I do hope to return. Thank you, sir.

Senator PELL. So now we come to the beat of the hearing and start out with Mr. Frohnmayer, and I must say as I said earlier, it is just a quarter of a century ago that I was sitting here and we had these witnesses starting up with the whole idea of the NEA. And I am so glad to see it has gone as far as it has and under your tutelage, I am sure it will go further.

Mr. Frohnmayer.

STATEMENT OF HON. JOHN E. FROHNMAYER, CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS, WASHINGTON, DC.

Mr. FROHNMAYER. Thank you very much, Mr. Chairman, members of the committee.

I have submitted written testimony to you. It is in three parts and I am not going to read that, but I do want to just tell you briefly what those three parts are.

The first has to do with the record of the Endowment over the last 25 years. The second has to do with the description of our panel process, the grant giving process, and certain modifications of that that we have either made or are suggesting. And the third has to do with reauthorization legislation itself which is not terribly different from what presently exists. But there are a few minor differences and those are identified in my written testimony.

I do welcome this hearing. I welcome the opportunity to respond to your questions and to some extent to respond to the critics of this agency, because I do believe that this agency perhaps above all other Federal agencies has an exemplary record of service to this country. And I think there are few agencies of the Federal Government that can point to a record which has more substantially improved the lives and the circumstances of the people throughout this entire Nation.

I believe it is also an opportunity to provide you with accurate information, some of that has been in short supply lately. And I do welcome the opportunity to respond to the things that may trouble you about the Arts Endowment. And finally, I think that I would like to simply review with you the exemplary legislation that this agency has been privileged to operate under. It seems to me that some legislation is purely utilitarian. Most of it is necessary but not necessarily memorable. But occasionally legislation captures the essence of what we are as a people. What we struggle for, what we hope to become, and what we seek to leave for our children.

And I think that what you did in 1965 with the authorization of the Endowments ranks among the finest hours of the U.S. Congress. And let me just review what you probably already know. The statements that you declared in 1965. Congress declares that a high civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

The democracy demands wisdom and vision in its citizens, and that it must therefore foster and support a form of education and access to the arts and humanities designed to make all people of all backgrounds wherever located masters of their technology and not of some thinking servant.

That the practice of art and the study of humanities require constant dedication and devotion. And that while no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating the release of this creative talent.

That world leadership which has come to the United States cannot rest solely upon superior power, wealth and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's highest qualities as a leader in the realm of ideas of the spirit.

These are some of the statements which you made, ladies and gentlemen, and I consider them among the finest hour of any legislation that has ever been acknowledged by this Congress. Because it does capsulize what we are as a people. It capsulized what we strive for, and it identifies what makes us a civilized Nation.

I think that legislation is prophetic. It is prophetic in the sense that it recognized that the cultures that exist in this country, the cultures that we are privileged to have—some 110 identifiable cultures in this country—all bring along with them a classical cultural tradition. And that the arts in acknowledging these cultures helps us to learn to live with each other, because it is only through understanding, understanding of differences as well as similarities, that we as a country can learn to live together and not destroy each other.

And I truly believe that the Arts Endowment promotes what is most dear to me as an American; and that is, truth comes out through the vigorous clash of ideas not the suppression of them. But if we are to be a country which can acknowledge all kinds of differences, all kinds of opinions, all kinds of beliefs, we must hear those beliefs, not suppress them. We must allow them to come forward, deal with them on a rational basis and let the truth survive from that clash of ideas.

The Arts Endowment has had, I think, a remarkable career of success and I want to identify only five or six areas of that success in the last 5 years. And I will start with arts education. Arts education is essential not just to the health of the arts institutions that currently exist because it creates and assists their future audiences, but it is also essential to allowing our children to fully develop themselves as educated human beings.

Three years ago, we funded 7,851 artists at over 11,000 sites throughout this country reaching over 3.5 million children. What did we teach? Well, we taught that the arts help us to make sense out of chaos. That is what poetry does with a few inspired stanzas. It capsulized what it is that we as human beings actually are.

The arts helped teach discipline. They teach our children that in order to achieve you have to practice, be it in dance or in literature or in music. But what is worth having in this life is worth working for, and that is why the arts are called disciplines, because they embody that sense of what it is to really work and really achieve.

And the arts teach self respect. They teach empowerment. They teach that every person has self worth. And the arts teach communication. They allow us to speak and to hear and to sing and to dance. And very often the arts teach where other forms cannot teach. They teach to autistic children. They teach to hyperactive children. They teach to children who have difficulty learning other ways.

And the arts teach tolerance, because if we understand that expression can take different methods, we understand that people are different, ideas can be differently expressed, and in so doing, it opens up the whole world of understanding to our children. The arts teach vision. They teach intuition. The arts teach family values, and that is why I think it is so curious that some of the greatest attackers of the Arts Endowment are those who would most strongly promote family values.

Let me give you one example. This comes from my own State of Oregon, the city of Newport, 8,500 people on the Coast. Sharon Morgan is the director of the Coast Council on the Arts. She received a modest Endowment grant and with that she runs an after school theater program, essentially for latchkey children—children who come from single family homes, no parent homes or where both parents are working. The children come to the center after school and they learn drama. The parents arrive at 6 p.m. and they all have dinner together. The play is after dinner and everybody is home by 8 o'clock.

That is an instance in which the arts are not only taught and not only teach drama, but they allow families to be together. They allow children to perform and succeed in their parents' eyes. And they allow the parents to be a part of the learning experience of the children.

We published in 1988, in response to the Congressional Directive, a book called Toward Civilization. That study which took place over a two-year period identified what is essentially cultural illiteracy in our country. And cultural illiteracy is as numbing and dehumanizing as any other kind of illiteracy. We must teach our children to see and to hear as well as to read and write. We are seeking to do that. We are working with school districts, with other governmental agencies, with arts presenters to try to develop curricula, to try to enable arts education to be a significant part of the education that is presented in this country.

The second area of which I would like to talk to you about is our challenge grant program. Challenge III is a new challenge program since we were last authorized. It deals with new concepts—concepts which will move the arts field forward. It is in a very real way venture capital for the arts community.

I will give you just three examples that were funded this year. Charlotte Mecklenberg is another educational program. They got a million dollar challenge grant. They are going to match it with $10 million of private money. They will create an Arts Endowment that will serve 75,000 children in that county in perpetuity. It will kick back something like $650,000 a year forever. And in addition, over $1,400,000 of grants will go to significant arts institutions to aid them in aiding the teaching of arts education in that community.

The Arena Stage here in Washington recognizes that it is in a population center which is 65 percent Black and 10 percent Asian and Hispanic. Therefore, it is undertaken a project that will work in five areas to create directors, producers, playwrights, actors, and audience all directed toward the minority community. That undertaking, if it is successful, and I am confident it will be, will serve as a model for the rest of the Nation to integrate the arts into the communities in which they live.

And third, the Chicago Lyric Opera, and it is toward the 21st century program they will create over the next 10 years, nine new American operas, and they will produce them, and at the same time, they will identify and produce significant European operas of the 20th century. All of those programs will advance the field substantially. All of them will create new capital for the arts. All of them will create lasting artistic works which can be enjoyed in perpetuity.

The third area with which I would like to acquaint you is our local arts councils. This is a program that started as a test program in 1984, and again, I would revert to my experience in Oregon because we were a recipient of one of the first test grants, and we sort of—and this is not a national Endowment term—but we in Oregon called it a methadone program. That is to say they would pay for a local arts person for a full salary 1 year, half salary the next year, and a third salary the third year, and after that we were on our own. And indeed, that program worked remarkably well.

We were able to increase from three to 14 the number of local councils with professional leadership around the State. And that program was exemplary in delivering the arts, particularly to the rural areas which were so under-served. That program now has been made into the locals program. It has changed slightly, but I would tell you that over the last few years $11.7 million of money has been matched with $61 million of local money, over a 5 to 1 match. And the arts councils that we have touched with this program over the country are such that over 2,500 communities have been served by this program.

One example is Carney, NE, up in North Central Nebraska. Carney is a town of 20,000. It has an art museum which we have helped support or at least through the local council have helped support. And in that town of 20,000, the viewership in the arts museum last year was 20,000.

In design arts, we support the Mayors' Institute for City Design. This is in conjunction with the U.S. Council of Mayors and several universities. And what happens in this program is that mayors come to this institute—a two-day institute in which eight mayors and eight city planners attend. Each mayor brings a problem in her or his city and over that two-day period, they solve those problems. And you have never seen a more charged up group of mayors leaving that conference than the ones who have had that privilege of attending. The reason is that they understand true quality design, how they can truly make their cities a better place.

And you might be interested in knowing who is going to be attending the next sessions. There is one on April 28 and there will be the mayors from Baton Rouge, LA; Brownsville, TX; Macon, GA; Manchester, NH; Oakland, CA; Missoula, MT; Northampton, MA; San Antonio, TX; and Tacoma, WA. And then a subsequent session in the South will include mayors from Birmingham; Fort Myers, FL; Jackson, TN; Jefferson, MO; Monroe, LA; Natchez, MS; West Memphis; and Winston-Salem, NC.

Those opportunities are opportunities to confront the unavoidable art form, that is, architecture. And they have had an exemplary effect in helping cities to preserve that which is the best that they have, and to develop that which can really serve their constituencies.

And finally, I would like to just mention expansion arts because this is the program which is designed to serve the traditionally under-served areas. That is inner city, multicultural, and rural constituencies. We fund over 300 expansion arts groups each year. Few of those would exist without our assistance. They range from El Teatro Campesino in California to multicultural groups in virtually every major city around the country.

In addition, we have an arrangement with 30 community foundations around this country to build Endowments which will accumulate and spend funds for the encouragement of these kinds of constituencies. To date, of the 30 participants, we have spent $4 million and they when they complete their match will have contributed $11 million to this program.

But the statistic that I want to leave you with, and this is part of my presentation, is the astounding statistic from 1988. We gave, leaving aside challenge grants, $119 million in grants, and in order to complete those projects, private funds contributed $1,363,000,000.

I would suggest to you that this the best way in which the Federal Government can operate. To leverage that kind of private money to do things which both the Federal Government and the local communities want to see happen.

In my written testimony, I talk about our process. I talked about my absolute opposition to content based restrictions, and I talk about how we can improve that process. And I really do welcome your questions on that. I am not going to go through those 15 points that are in my testimony right now. But I do think that since you have heard a lot about the panels and the panels have been criticized from a lot of different ways that you might actually like to meet a panel.

So let me tell you the composition of the professional theater companies panel that is currently sitting in the Endowment as we speak right now. There are 15 panelists. They are dealing with theater companies, professional theater companies. They consist of artistic directors of theaters, producers, managers, free lance writers, a playwright, several educators, and local arts agency presenters.

The theaters which some of them represent range in annual expenditures from $300,000 to $8 million. They do from classical theater to avant garde aesthetics. They are both institutional and developing theaters. They are both rural and urban. Represented is Whitesburg, KY and New York City. The panel members makeup is multicultural. They are Black, Hispanic, Asian, and from Western European traditions. They will be sitting in that room for 6 days, a cruel and unusual punishment perhaps. They will be there 10 to 12 hours a day, roughly from 9:30 a.m. to 8:30 p.m. We give them an occasional break, but basically they work from 9:30 in the morning until 8:30 at night.

Four hundred and thirteen (413) companies have applied; 145 were eliminated in pre-screening, and of those left, approximately 50 percent or somewhere around 200 will be funded. The funding will range from $5,000 to $300,000 probably. And the companies, if this follows the pattern that it has in the past, will be classical and avant garde. There will be puppet and children's theater, special constituencies, for example, the National Theater for the Deaf, movement based rather than text-based theaters/companies, development of new work, presentation of theater to rural audiences, and presentation to culturally diverse groups—Black, Hispanic, Asian, Native American, and of course, traditionally European.

The people on this panel come from New Haven; Costa Mesa, CA; Whitesburg, KY; Milwaukee, WI; Teaneck, NJ; Los Angeles; New York; Scottsdale, AZ; Atlanta, GA; Hartford, CT; Evanston, IL; San Diego; Minneapolis; and Lutz, FL.

Elitist—hardly; exclusionist—not on your life; dilettantes—not a one of them. They are committed citizens doing the Government's business in the finest tradition of this country.

I would like to just tell you what my priorities are for this agency and then I will welcome your questions. As you can see from my presentation, I am committed to arts education. I am committed to multicultural arts delivery, so that all cultures in this country can be acknowledged and flourish to bounce off against each other so that we do not become just a shade of brown, but rather a tossed salad that takes flavors from each other, and takes the best from each while maintaining its own cultural identity.

I am interested in seeing that the rural and under-served areas of our country are served by the Arts Endowment. I think we have on the international level an opportunity which perhaps has never been presented in quite the manner it is presently before us. We have an opportunity to take advantage of democracy as it has broken out in Eastern Europe and Russia, to help support the freedom of thought and ideas and cultures that those societies allow us. This is also true in South America. It is also true in the Far East.

Several weeks ago, our international specialist was invited to Japan to consult with the Japanese about how our grant giving process works, because the Japanese are thinking of endowing their own Arts Endowment with 23 billion yen. I think these international opportunities are a window which is opened to us now and which we must take advantage of. The Arts Endowment has traditionally not done much in the international area, and that is why we are recommending, the administration is recommending, that a specific acknowledgement of international activities be placed in our authorizing legislation.

And finally, our core institutions. These institutions are museums which are the repositories of our cultural past and to a large degree, the place from which we can see our cultural future. And our symphonies and our other large budget institutions have suffered terribly over the last 10 years of flat funding because the dollar buys 30 percent less than it did 10 years ago, and the pressure for applications to this Endowment have increased by about 30 percent. And that squeeze on these core institutions has been almost irresistible. We desperately need to have adequate funding to take care of these kinds of opportunities.

I believe that Congress and the American taxpayers have made an investment in the Arts Endowment. They have put the trust in this agency, and that is a trust which I take very seriously indeed. My testimony recounts the procedural steps that we are taking, but I believe that the brilliance of this agency's performance has been tarnished by criticism. We are prepared to learn from it. We are prepared to institute the best possible procedures we can to assure the fairest and the highest quality of art from this agency for the American people. The willingness to take risks, to confront the new, to push boundaries, and in short, carry on the tradition which has always made this country great is what the Arts Endowment stands for.

[The prepared statement of Mr. Frohnmayer follows:]

PREPARED STATEMENT OF MR. FROHNMAYER

Mr. Chairman and Distinguished Members of the Committee: Creativity will be the currency of the 21st century. Whether it is in choreography or software; musical composition or industrial design, we will expend creativity to establish the wealth of nations just as we expended seemingly unlimited natural resources in the 20th century.

The heart and soul of the arts is creativity, and promotion of that creativity is as old as our government itself: Be it Thomas Jefferson, the statesman, architect and inventor; Benjamin Franklin, the inventor and writer; or the founder of our country, George Washington who in 1781 said:

> "The Arts and Sciences, essential to the prosperity of the State and to the ornament and happiness of human life, have a primary claim to the encouragement of every lover of his country and mankind."

My written testimony today focuses on three major areas: The record of the National Endowment for the Arts over the past 24 years; The Endowment's panel process; and The specific changes proposed for the pending legislation.

I. THE RECORD OF THE NATIONAL ENDOWMENT FOR THE ARTS

The record of the National Endowment for the Arts in promoting creativity in this country over the past 24 years is exemplary. Indeed, the platform has been laid which will allow the arts to explode in the 1990s and will give every American an opportunity to seek fulfillment through the arts; to reach for the broadest understanding of humanity which, if we are persistent, can also teach men to appreciate those common bonds which unite us all.

One quick example: Arthur Mitchell, the world renowned founder of the Dance Theatre of Harlem, was present at a performance of his company before 9,000 high school kids in Los Angeles. At the end of the performance, all of them were on their feet cheering. Arthur took the stage and said, "Stop. Look at the kid on your right, and look at the kid on your left. Does it make any difference that he or she is black, or yellow, or brown or white?" His story illustrates the power of art to reach each person and unite all people.

Congress, in one of its wisest acts, created the Endowments for the Arts and the Humanities in 1965, saying in part:

> ". . . while no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating the release of this creative talent."

Over the past 24 years, a groundwork has been laid to give stability to our core institutions; to allow far more artists, arts groups and arts disciplines to flourish, and to invest and empower far more Americans in the business of doing, seeing, hearing and being a part of art which describes, informs and expands all of their lives.

Maintaining that platform, that continuity, that energy which has been developed by this government's modest support of the arts is necessary if this investment in both our past and our future is to continue to flourish. The longer our government continues to support the arts, the stronger they will get and the better they will be.

Look, if you will, at some examples of what we have accomplished.

Dane: In 1965, there were 37 professional dance companies; today there are at least 250. Between 1965 and 1983, the estimated national dance audience grew from one million to 16 million annually. American choreographers are sought after internationally, and American dance is honored and cherished around the world.

Design: Over the past 25 years, there has been an increased awareness of the benefits that quality design brings to our society, be it in architecture, industry, or in the products we use in our every day lives. We have created the Mayors' Institute on City Design to educate mayors about urban design and planning. In its first three years, 40 mayors representing eight million people attended the institute. We also are involved in dealing with the problems of rural design in areas in which the landscape is particularly subject to degradation.

Expansion Arts: This division of the agency was formed to reach organizations that are "deeply rooted in and reflective of culturally diverse, inner city, rural or tribal communities." Approximately 300 such organizations are funded each year, and Expansion Arts has nurtured virtually all of the renowned minority arts organizations in America—from Alvin Ailey Dance Company to El Teatro Campesino to the Japanese-American Cultural & Community Center in Los Angeles.

At the National Center for Afro-American Art in Roxbury, Massachusetts, Barry Gaither has created a program of pride and quality. He trains 5th grade docents to lead tours through the Museum. Each of these 5th graders receives four weeks of instruction about the art collection, five weeks of training in public speaking, and a trip to see the docents at the Museum of Fine Arts in Boston; the children also review two books which have been prepared for their study. They then lead tours through the Center, explaining the collection in their own words, with their own personal interpretation. Some of the kids come back to work at the Museum in the summer, and in one memorable instance, Barry received a call at home on Saturday from a guard who was perplexed by a 5th grader who had shown up with her own tour of kids she had put together from her neighborhood.

These stories are not isolated instances: they are the result of the empowerment that comes when people, particularly young people, are given an opportunity to experience the power which the arts unlock in each of us.

Folk Arts: The Endowment has helped preserve the traditional arts of small communities possessing regional, linguistic, ethnic, occupational, religious or other significant cultural bonds. Thirty-one states now have programs through which master artists pass on their skills to younger apprentices. We know of no such programs which existed in 1965. From cowboy poets to sweetgrass basket weavers, this-country's rich and diverse multiplicity of traditions are preserved, enriched and transmitted. Folk arts coordinators, many of whom have been funded in part by the Endowment, have helped catalogue and preserve the oral traditions and wisdom that will permanently help us define ourselves.

Inter-Arts: This program was created to fund new work and to better enable presenters to flourish. More than 12,000 arts events have been produced through this program, reaching more than 5 million Americans in 1987–88. An example is the Helena Series for the Performing Arts in Montana which has an annual attendance of over 15,000 in a town of 25,000 people. Likewise, Salmon, ID—a town of 3,300 people—will host the New Mexico Symphony next month. With a small grant from the National Endowment through the Western States Arts Foundation, 800 people will hear this symphony play. One cowboy was uncertain last year about what one wears to the symphony. He was assured that a clean pair of 501 jeans would do just fine, and he has become one of the symphony's greatest fans.

Literature: Through individual fellowships, many promising young writers were given the necessary uninterrupted time to create. Some of these writers, supported early in their careers, have gone on to critical and commercial acclaim: John Irving, Louise Erdrich, Alice Walker and T.C. Boyle—to name a few.

A simultaneous growth in small presses has allowed more opportunities for publication of poets, short story writers, and novelists. The work of the small presses is excellent not only in their production and editing, but in the quality of the binding and presentation of their books. Indeed, the almost lost art of quality bookbinding is resurgent due in no small part to the support of the National Endowment for the Arts.

Media Arts: The Endowment created its Media Arts Program in 1971, and through grants, media production companies have brought the best of all the arts into 132 million homes around the country. Such shows as *Great Performances, Wonderworks*, and *American Masters* on the Public Broadcasting System came about, in part, because of grants from the Arts Endowment. Millions more are reached through public radio and film of which the Endowment is a substantial supporter. Additionally, through Endowment support, film from the early commercial industry, in danger of being lost, is being preserved, catalogued and restored.

Museums: During the 1960s and 1970s, the nation's slumbering art museums came fully awake and launched a period of unprecedented expansion, acquisition and increased professionalization—due, in part, to the Endowment's catalytic advocacy and support. Our Museum Program funds about 320 museums to assist them in collecting, preserving, documenting, exhibiting and interpreting works of art. The collections in our fine art museums allow all people to know what we have been, what we are and what we can be. They are the reservoirs of our cultural history and are reaching out on a broad basis to make their collections available to all people. An example is the Jackson, Mississippi, Museum which recently received a Challenge Grant from the National Endowment to establish satellite centers in Hattiesburg, Tupelo and other small towns around the state. Curatorial assistance to describe the collections and make them accessible to the viewers is part of the program.

Additionally, under our Museum Program, the Arts and Artifacts Indemnity Program, created by Congress in 1975, has protected more than 300 exhibitions of international works, sparing the organizers more than $32 million in commercial insurance premiums, and the government's costs have been limited to only two claims. Examples of exhibitions that may not have been seen were this program not available include "The Treasure Houses of Britain," "The Art of Paul Gaugin," and "Cleopatra's Egypt."

Music: In 1965, there were about 60 professional orchestras in the United States. By FY 88, 163 orchestras received Endowment funds out of the 212 that applied. And these orchestras are performing a great diversity of music. For example, the Nevada Symphony recently premiered a new work by a Russian composer on the same program with Mahler's "Fifth Symphony." Audiences around the country have come to expect and appreciate new music as well as the standard classics. That education of the listening public is due, in part, to support of new works by the Endowment. In the 1985-86 season, our grantees performed 1,049 American works and 147 world premieres.

Smaller and less institutionalized organizations—choruses, chamber music ensembles, jazz and new music groups—have grown significantly in the past 25 years. When the National Endowment for the Arts started in 1965, there was one full-time professional chorus in the country. Now there are 57. Other music groups have similarly grown as has the interest in music scholarship, use of period instruments, and new music forms such as electronic or synthesized music.

Opera-Musical Theater: In the early 1960s there were only 27 professional opera companies in the United States, performing mostly the classic European repertory with European artists in major roles. Today, there are 113 American opera companies (and 64 musical theater companies) which create and perform an array of established and original work, using American artists in major roles. In a very real way, the non-profit music theater and opera have assumed the mantle Broadway once wore in providing a new place for American works. The Chicago Lyric Opera, recipient of a recent Challenge Grant, has commissioned nine new operas to be written in the 1990s.

Theater: By the end of 1965, there were 56 professional nonprofit theaters; today there is an extraordinary network of over 400. The great majority of new plays written in the U.S. come from the nonprofit field (over 400 annually). Nonprofit professional theater attendance doubled between 1965 and 1977 and rose to 15.5 million in 1985 (with another 26 million adults watching plays on public television that year). Much of the new work on Broadway has been nurtured and premiered by our nonprofit theaters before moving to New York.

Visual Arts: Over the years, the Program at the National Endowment for the Arts has assisted many of America's most distinguished artists at critical junctures in their careers (Robert Arneson, Chuck Close, Alice Neel, Susan Rothenberg, and many, many others). Our efforts have helped launch contemporary public art, as well, and nurtured alternative art spaces and visual arts organizations to provide a better network for this country's 329,000 visual artists. Alexander Calder's sculpture in Grand Rapids, Michigan, was the Arts Endowment's first "Art in Public Places" installation. Criticized by some at first, it captured the hearts of Grand Rapids citizens and soon served as a symbol of civic pride and a hallmark of the city.

State and Local Partnerships: Another major example of the Endowment's success in promoting creativity has been its partnership with State and local arts agencies. When the Endowment was established, five states had arts councils with a total funding of about $2.7 million. Today there are arts councils in every State and six territories, the appropriation for which is $268.3 million (as compared with $171 million in Federal funds for the Arts Endowment in 1989).

Regional Arts Organizations also have been established to cover all regions of the country and to perform such functions as touring and artists support which can best be done on a regional basis. Likewise, local arts agencies have increased dramatically over the last 25 years. From a smattering of small, primarily volunteer local arts councils prior to 1965, their size, effectiveness and professionalism have grown to a membership of over 600 councils with full-time professional staff.

Arts in Education: From the beginning, the Endowment has had an interest in increasing the audience for the arts. In 1966, "Poetry Readings in the Classroom" reached 11,600 children. In this past year, Charlotte-Mecklenberg, North Carolina, received a $1 million Challenge Grant from the Arts Endowment to establish a $10 million endowment for arts education which will reach 75,000 children each year in perpetuity.

One of the most popular and effective Endowment programs has been artists-in-residence. In smaller, rural communities, the artist is not only in residence with the school children but becomes part of the whole community. In a residency of a month, an artist can have a profound effect on these rural communities so that poetry, fiction or dance will never be viewed as foreign or inaccessible again.

Mary Ann Lee, of the Utah Children's Dance Theater, was in residence at Granite Elementary School in Salt Lake City recently. On the blackboard in the gymnasium were pictures of the human spine; on the floor was a masking tape outline of the spine. She taught the children about the movement of hinged joints (jerky); of ball joints (smooth); the functions of the skeleton (to give rigidity, flexibility and protection to the internal organs) and she put together a dance using these motions, these concepts and these ideas. The children were given a chance to learn, to create, to use their bodies, and to have fun. It's unlikely that any of them will forget that there are seven cervical vertebrae and that the skull protects the brain. They danced to learn and they learned to dance.

In the 1986-87 school year, our Arts In Education Program funded 7,851 artists in residence at 11,187 sites in all 50 states and reached more than 3.5 million children. We have also made substantial inroads in educational research and in drafting model curricula in arts education. Our study, *Toward Civilization*, has been highly acclaimed as identifying both the problem and some potential solutions for this nation's cultural illiteracy.

THE ENDOWMENT AS A CATALYST

The $119 million given by the Endowment for grants in 1988 generated over $1.36 billion in private funds. Not only are those astounding numbers in response to a modest investment by the government, but they speak to the audience for the arts in this country and the willingness of people in the private sector to pay for those arts which we, through the judgments of experts who serve on our panels, have deemed to be artistically excellent. The Endowment has always performed the function of being both a catalyst for other dollars and as a "good housekeeping seal of approval" on the artistic quality of the effort. Time and again we are told by our grantees that fundraising is substantially easier because of an Endowment grant. It is an endorsement a mark of quality and achievement.

But one additional important point needs to be made. The Endowment has funded projects which simply have not succeeded or in a few cases have offended. In education, a child must be allowed to fail in order to know when he has succeeded. In the arts, if creativity is to flourish, some risk of failure is inevitable. Some experiments won't work. Some flights of imagination will crash. The Endowment has never sought to fund anything but excellent art, and has certainly never intended to offend. But a certain amount of leeway is necessary—a certain amount of tolerance—if the citizen-panel system is to work. This was aptly stated by Senator Pell in 1975 during a floor debate on reauthorization:

> "It is unfortunate that, as we discuss the extension of the Endowment's legislation, there is a climate abroad in the Congress which supports the idea that every Federal grant must be totally in keeping with our own preconceptions and beliefs.
>
> I am afraid that . . . this same type of thinking will be urged upon us, for it is easy to grab a headline by reading the syllabus for a Federal grant totally out of context with the grant itself. However, I do believe that for any program to be successful, it must take an occasional chance, it must be willing to fund projects or proposals which could well backfire.
>
> When we first enacted the legislation which established both endowments, there was concern voiced by those calling themselves political conservatives about the possibility of Federal control of the arts and humanities. . . . [T]hose same skeptics, when it suits their own views, are now seeking to have not only Federal control, but also Congressional control of all Federal grants."

WHAT DOES NATIONAL ENDOWMENT FOR THE ARTS SUPPORT DO?

The National Endowment for the Arts has been successful in promoting creativity because its support means more for the recipient than just money; our support acknowledges the success of the applicant. One of the two or three best chamber clarinetists in the United States told me that because of a fellowship he received from the Endowment in 1983, his whole career changed. He was encouraged and reinforced to pursue his art where, without that Fellowship, his life might have been much different. Endowment support empowers the artist. One recipient recently said, "The investment my culture is making in me has made me invest more in my culture." (Jeff McMahon, NYC, Feb. 1, 1990).

The Endowment grant challenges the artist to produce, to demonstrate her or his excellence, to prove that the grant was wisely given. Not all rise to the occasion, but the vast majority do, and every applicant strives for excellence.

National Endowment for the Arts support gives some measure of continuity to those core institutions which, through their continued excellence, preserve and enhance our cultural heritage. Support from the Endowment allows the creation of programs and a platform from which to grow.

The Endowment's support also has dispersed the opportunity for artistic growth both geographically and culturally. The preservation of the Native American tribal traditions through Endowment grants has offered an opportunity for cultural pride. Providing art to rural localities through artmobiles, touring, and public television and radio has made images and performances, virtually unknown 25 years ago, a part of the lives of people in remote areas.

Congress, over the last quarter century, has made an investment in the future of this country. It is an investment in the training, the discipline, and the artistry of our dancers, our musicians, and our painters. It is an investment in our composers, our choreographers and our architects. It is a recognition that while our existence is painful at times, we must acknowledge it, memorialize it, and live through it. Thus, the Arts Endowment was instrumental in creating the design competition which allowed a young student at Yale, Maya Lin, to win the competition for the design of the Vietnam War Memorial a moving and beautiful statement to a painful and disruptive period in our history.

INTERNATIONAL SUCCESS

We ask how well have we done in the United States over the past 54 years in promoting creativity as compared to our neighbors around the world. American-trained singers have been in demand in the opera houses of Europe for several decades. Our jazz and new music lead the world. Our choreographers are being exported to the extent that Americans now head the Belgium National Ballet (Mark Morris), the Frankfort Ballet (William Forsythe), and the London Contemporary Dance Theater (Dan Wagoner). Japan has recently solicited advice from the National Endowment for the Arts about our grants-giving process since Japan is contemplating an appropriation of y23 billion for an arts endowment.

The two most recent international visual arts biennials have featured acclaimed works by Americans: Jasper Johns in Venice and Martin Puryear in Sao Paulo. What you in Congress have created through the National Endowment is perhaps the best platform modern society has known for allowing creativity to happen.

WHERE DO WE GO FROM HERE?

Our task is barely started. Some priorities for future activity are:

1. *Arts Education.* Our children are not being taught to see and hear. Art is as much an "r" word as reading, writing and 'rithmetic. It teaches children discipline. It teaches them to make sense out of chaos. It teaches them tolerance from seeing that expression can take different forms. It allows them the flexibility and the self-esteem to think broadly, to dare to be wrong, and to know when they are right. We as a nation cannot prosper without this kind of training.

2. Our *multicultural communities*, be they Black, Hispanic, Asian, Native American or European (or any of the other cultures which America has chosen to embrace), create an opportunity never known before in the history of man. Each of these cultures brings its own unique tradition. If these cultures are allowed to flourish, and if we encourage them to interact, the cultural fabric of the United States can be the richest one in the history of mankind. Our art will not flow from a single aesthetic, but from all cultures of the world so that each can enhance both itself and the others.

3. *Rural arts* participation is necessary if all people in this country are to have a part in our cultural renaissance. Indigenous folk artist, local arts councils, touring, and artists in residence have begun the process. More quality media, artmobiles, and arts professionals are needed to assure that all parts of the country have equal access to the finest art our nation can provide.

4. *International.* The events of the past six months have provided opportunities for international cultural exchange which simply did not exist before. The Endowment traditionally has done little in the international realm, but as the world becomes smaller and more interdependent, cultural exchange is essential not only to improve the lives of all people, but to improve the understanding of different cultures, and, indeed, of our own.

5. *Core institutions.* Over the past 10 years, the buying power of the dollar has decreased about 30 percent. In the same time, the applications to the Endowment have increased approximately 30 percent. With a flat budget, the pressure to take money from the core institutions which have traditionally been funded by the Endowment and give that money to new (and qualified) applicants has been almost irresistible. And yet these core institutions are the repository of much of our culture and the hope for much of our future. If the Endowment is to remain the catalyst for artistic growth, additional resources must be made available to these core institutions to allow them to continue their work in preserving and enhancing our culture.

Every society needs its artists; they are its watchers, its critics, and its champions. It is a commentary on the strength and wisdom of a government which supports the arts without content restraints.

At each of the prior six reauthorizations of the Arts Endowment, the question of censorship has been hotly debated, and each time any content-based restrictions have been soundly defeated. We are again faced with this issue in 1990. Let us not lose sight of the original fears expressed by Congress during the floor debate concerning the creation of the Arts Endowment, when Representative Broomfield said: "Things being what they are in Washington, we can only be sure that if this bill is passed, the day will not be far off before we demand political allegiance of those who receive Federal gifts, that we see the controversial ignored and the mediocre praised." For 25 years, this agency has not fulfilled that dire warning, and it should not do so now.

Vaclav Havel, a playwright and newly elected President of Czechoslovakia, gave a moving address to a joint session of Congress about the amazing changes going on in Eastern Europe. As the rest of the world turns away from repression and towards freedom and democracy, the United States should remain the leader of freedom in philosophy and in fact. We must be willing to take chances, seek new heights and continue to strive for excellence in all fields supported by this great Nation.

These words echo the words of President Lyndon B. Johnson from 25 years ago:

> "We fully recognize that no government can call artistic excellence into existence. It must flow from the quality of the society and the good fortune of the nation. Nor should any government seek to restrict the freedom of the artist to pursue his goals in his own way. Freedom is an essential condition for the artist, and in proportion, if freedom is diminished so is the prospect of artistic achievement."

The Endowment has a distinguished record of creativity, and Congress willing, it will have an extraordinary future.

II. THE ENDOWMENT'S SUCCESS HAS BEEN IN ITS PROCESS

The Endowment has created and sustained a climate encouraging freedom of thought, imagination and inquiry by bringing citizens who are experts in the arts to judge the applications. The Endowment has not created an "Academy." It has not decreed a single acceptable aesthetic. Rather it has reflected the wide diversity of our society.

As the 1965 Senate report on our authorizing legislation emphatically points out, the intent in the creation of the Arts Endowment was to "encourage . . . free inquiry and expression . . . [T]hat conformity for its own sake is not to be encouraged, and that no undue preference should be given to any particular style or school of thought or expression." To achieve that end the Arts Endowment uses peer panels.

Each year over 800 citizens who are expert in some area of the arts come to Washington to serve on panels that last from one to six days. These citizens make no small sacrifice in doing the work of the government since they often must travel far from their homes, leave their jobs or professions, and lose valuable work or job opportunities to serve the arts.

These panels function much like a jury in our justice system. Panels are from five to 15 individuals of widely diverse cultural, geographic, ethnic and stylistic backgrounds. They argue, they debate, they confer, and in the end, they decide which applications are the most deserving, the criteria always being quality and merit. The Endowment looks forward to working with the Independent Commission created by Congress in our FY 90 appropriations bill which will examine ways of improving the panel review process.

The system is far from perfect. It is maddeningly slow, inefficient and sometimes frustrating. It often results in compromises and sometimes may even be wrong. But it is the best system that the English and American jurisprudential heritage has been able to devise. And it is affirmed at both the Federal and local levels. It is affirmed by the National Council on the Arts, a distinguished presidentially-appointed body of 26 citizens comprised of internationally known artists, arts administrators, patrons and distinguished citizens who review and approve or reject the panel recommendations. The Chairman of the Endowment makes the final decision based upon the recommendation of the panel and the National Council, and all grants which are recommended (with the exception of fellowships) are matched on at least a 1:1 and often a 4:1 or 5:1 basis *in the localities in which they are to be received*. Thus, there is local affirmation of these grants by the matching dollars, in virtually every case.

Because so much public discourse, debate, and concern has arisen over "obscene or indecent images," and because the charge has come, from some quarters, that the Arts Endowment is not responsible for the grants we make, I would like to address two further areas:

How the Endowment is responsible for the grants it funds.

The specific changes we propose.

RESPONSIBLE PROCEDURES

I start with the proposition that Congress does not want to micromanage the Arts Endowment, but does want to assure that taxpayers' money is responsibly spent. But we improve the process to make it more responsible, more responsive, and more visible to the American people. To that end:

1. We have developed a grid which shows where each panelist comes from geographically. By so doing, we attempt to achieve wide geographic distribution and have at least one panelist from each region of the country who will know the work of many of the applicants from that region.
2. We have developed a grid to assure that as many cultures as possible are represented on each panel.
3. To the extent possible, we attempt to mix the panels with individuals of varying experience (and to the extent possible, viewpoint).
4. On each panel, we attempt to have some representation of educated lay persons, that is, those who have expertise in the particular discipline, but don't necessarily make their living at it. These persons are a small minority on every panel, but they do bring a point of view which is useful.
5. We have opened the deliberations of policy panels in all disciplines to the public.
6. We use site visitors in some categories to assist the panelists with more in-depth reviews of the applicants.
7. I, as Chairman, personally attend each panel (over 120 panels meet each year), or if I am out of town or unavailable, one of the senior members of my staff attends to explain the most current legislation and discuss the responsibilities of panel persons. Not only are these discussions useful to the panelists, but they often provide insights as to how the process can be improved.
8. We are assuring that a careful record is made of all panel deliberations:
    - i. The meetings are recorded and staff are directed to keep careful notes.
    - ii. On each recommendation, the panel records its findings as to various criteria outlined in the published guidelines, such as artistic significance, administrative abilities, significance to the field and such other attributes or deficiencies, prior to voting yes or no or assigning a monetary recommendation to the application.
    - iii. As for applications which might be controversial, but which the panelists find have artistic merit and which they vote to recommend, I request that a careful record be made by which they justify the artistic grounds upon which the recommendation is forwarded.
    - iv. Once a panel has made an artistic determination, grants which may be controversial are reviewed by the General Counsel's Office for compliance with all laws.
9. The National Council on the Arts members (the 26 presidential appointees) are encouraged to observe as many panels' meetings as their schedules allow. The Council's comments and suggestions are fed back into the system, so that the panels are continually improving policies and programs.
10. All grant notification letters for FY 1990 state up front the requirement that all grantees adhere to the appropriations language (prohibiting obscenity) passed by Congress with our FY 1990 appropriation.
11. All guidelines published for 1990 (except those already in print prior to the passage of the legislation) contain the language attached to the 1990 appropriations bill.
12. The Inspector General of the Arts Endowment (a position created by Congress which reports directly to the Chairman) reviews grants for compliance with all accounting and financial criteria.
13. In our 1991 budget request, we seek funds to increase the panel sizes to get a broader spectrum of experience, cultures and geography. Our panel sizes range from five to 15. Just as I preferred 12 person juries to six person juries when I was a trial lawyer, I prefer larger panels and hope that Congress will see fit to make them possible.
14. We have implemented procedures for dealing with subgrants so that they go through essentially the same review by the National Council on the Arts as grants recommended by our own panels do.
15. Finally, once a grantee has completed the work or project for which the grant was awarded, a final report must be submitted to the Arts Endowment which shows

the impact on the community of the Endowment's investment and assures compliance with the grants terms and conditions.

Will these modifications in the panel process eliminate controversy? Probably not. I do not see as a desirable goal that the art which the Federal Government supports be so bland that no one even notices it. Some art is provocative and rightly so. These modifications are designed to assure that the panel process is as fair, as responsible, and as careful as it possibly can be in identifying the best art which is available for support in this country.

In addition, we are considering modifications to the panel process which require further study before they are accepted or rejected.

a. Making the panel procedures and guidelines consistent, as appropriate, among the disciplines (such as Visual Arts, Dance, Music, etc.) to simplify the application procedure and make it more easily understood.

b. Requiring State and local arts agencies, arts service organizations, and perhaps other grantees of the Endowment to submit the names of qualified panelists to assure that the panelist "gene pool" represents all areas of the country.

c. Identifying better ways in which the panelists can be made fully aware of the past performance of applicants so that the artistic quality of that performance can be judged. Complaints from persons who have not seen a particular performance are seldom reliable measures of artistic quality. We must, however, develop a means by which future panels can, to the greatest extent possible, accurately and thoroughly consider past performance.

d. Developing a panelist orientation handbook.

e. Increasing the number of site visitations of potential applicants within the limits of our budget.

f. Considering multi-year grants to applicants which are funded on an annual basis. These grants would be subject to the Endowment's annual appropriation from Congress, but would give some certainty to the applicant and would greatly reduce the application load with which the panelists have to deal each year. This reduction would, in turn, allow more in-depth analysis of each applicant.

g. Finally, because the Endowment is sometimes subject to the charge that the panels are "elitist" or that there is "cronyism," I have directed that an in-depth study of this issue be made. A similar charge was made in 1985, and the resulting evidence proved conclusively that those charges were without foundation. Our preliminary findings also show no evidence of elitism or favoritism. Those results will be made available to you as soon as the study is completed.

Most importantly, you have directed that a Commission study the grant-giving process of the Endowment. We welcome the report of that Commission and hope that it will shortly commence its work. Any improvements in our process are certainly welcome, and we are prepared to cooperate with the commission in every way possible.

III. Proposed Changes in Reauthorization Legislation

Mr. Chairman, I think it might be useful at this point for me to highlight for the committee those provisions of the reauthorization legislation that was recently transmitted which directly affect the National Endowment for the Arts. As you know, the proposed bill tracks the National Foundation on the Arts and the Humanities Act, as amended, and therefore includes provisions relevant to each of the agencies authorized under that Act—The National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum Services. While we support those provisions pertaining to our sister agencies, I will confine my remarks today to those sections dealing directly with the Arts Endowment.

By way of overview, let me state that it is our view that our enabling legislation, in its present form, works well and is in no need of substantive revision. We have in the past year been the subject of rigorous scrutiny and consultation concerning our legislation. In our FY 90 Appropriations Bill Congress prohibited the Arts Endowment from funding any art it deemed to be obscene. This language has caused much concern and confusion among the arts community. The Endowment has, as a result, spent a significant amount of time discussing the matter with the field, as well as studying the directive. After much careful thought and discussion, it is our conclusion that the legislation proposed here which contains no content restrictions, along with measures discussed earlier, will best serve the American public.

We are here today to urge the committee to act favorably on the single most important provision affecting the Endowment—and that is a five year extension of our authorization. In addition, there are several technical amendments which we are proposing to fine tune the authorizing legislation. At this point I will outline those provisions relevant to the Arts Endowment in the sequence in which they appear in the bill.

A. Section 2 of the bill amends the definition of the "arts" to recognize explicitly the inclusion of the traditional arts as practiced throughout the country.

B. Section 3 of the bill amends the definition of the term "project" to underscore that programs which enhance public knowledge and understanding of the arts should be available to all people throughout the nation.

C. Section 5 of the bill makes several changes to section 5(c) of the Act. Paragraph 2 is amended to recognize that excellence is embodied in the artistic standards applicable to the traditional arts.

Paragraph 5 is amended to reference education explicitly among the types of arts projects which may be supported. Paragraph 8 was added to describe the authority to provide organizational and managerial assistance to arts organizations.

Paragraph 9 was added to recognize the authority of the National Endowment for the Arts to support international arts activities.

D. Section 6 of the bill revises certain reporting requirements for State arts agencies. Currently, State arts agencies are required by the Act to provide information annually on their activities over the past two years. The bill requires this information to be reported annually only for the most recent preceding year for which information is available. The bill changes the reporting requirement from the preceding two years to only the preceding year because elsewhere, the State has already agreed to provide annual reports. This method was decided upon after a costly and intense study undertaken with the State arts agencies to create an annual information collection system. The change would also prevent the undesirable affect of receiving duplicative information. The bill also increases the scope of the reporting requirement to include all projects funded by State arts agencies. This change also makes the requirement more compatible with existing State information systems.

E. Section 7 of the bill amends the NEA Challenge Program authority to include a new emphasis for the use of Challenge grants: Stimulating artistic activity and awareness with respect to the varied cultural traditions throughout the nation.

F. Section 8 of the bill strikes out the requirement in section 5(m) of the Act that a national information and data collection system be developed by the Arts Endowment and inserts a requirement that such a system be "employed". This change is being made because the system has already been developed pursuant to the requirements of the 1985 reauthorization. The provision that a plan be submitted to Congress within one year of the effective date of the 1985 Act has been accomplished and therefore that provision is also being deleted.

The last sentence which currently provides that the state of the arts report was to be submitted by October 1, 1988, has been deleted because the report for 1988 was submitted, and a second one will be submitted in accordance with the current law by October 1, 1990. The bill would require submission of the next report in 1992, and quadrennially thereafter. Generally, changes in the arts fields do not occur so rapidly as to warrant a full-scale report to the Congress and the President every two years. A four year interval would provide more perspective and thus permit a more significant report. Developments that might occur between reports could be brought to the attention of Congress through Arts Endowment planning documents, congressional budget submissions and reports, the Arts Endowment's Annual Reports, or other appropriate formats.

G. Section 20 of the bill renumbers certain paragraphs as suggested by Congress. Two subsections have also been deleted—Subsection E required a joint study of arts and humanities education to be conducted by the two Endowments and the Secretary of Education. The study was completed and the report made to the various committees of Congress by the date indicated, thereby fulfilling the requirements of this subsection.

Subsection F required the two Endowments to submit reports to Congress detailing the procedures used in selecting experts for appointment to panels and the procedures used by the panels making recommendations for funding applications. Both studies were completed and submitted to Congress, thereby fulfilling the requirements of this subsection.

H. Section 21 of the bill provides for a five year authorization of definite program appropriations for the Arts Endowment. It authorizes $125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 through 1995.

I. Section 23 of the bill extends the authorization of appropriations for the Arts Endowment's treasury funds for five years. It authorizes $13,000,000 for fiscal year 1991 such sums as may be necessary for fiscal years 1992 through 1995.

J. Section 25 of the bill extends the authorization of the appropriations for the Arts Endowment's Challenge grant program for five years through fiscal year 1995.

It authorizes $15,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 through 1995.

K. Section 27 of the bill deletes the requirement that if at the end of the ninth month of any fiscal year Challenge grant funds cannot be used by one of the Endowments, that Endowment shall transfer the unused funds to the other Endowment. This provision has been in the law since 1976 when the Challenge program was first established for the two Endowments but has never been used. At the inception of this new program, there may have been the concern that Challenge grantees might not be able to meet the three-to-one matching requirements which would result in some of the appropriated funds not being used during the fiscal year. However, such concern has not been born out. Therefore, deletion of the transfer provision is consistent with the experience of the two Endowments and independence they have as to all other programs.

L. Section 28 of the bill extends the authorization of appropriations for administrative funds for the Arts Endowmentby authorizing $20,300,000 for fiscal year 1991 and such sumsas may be necessary for each fiscal years 1992 through 1995.

M. Section 30 of the bill extends the authorization of appropriations for the two Endowments for five years and authorizes $175,000,000 for the Arts Endowment for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 through 1995.

N. Section 38 of the bill amends section 5(b) of the Arts and Artifacts Indemnity Act by increasing the aggregate level of insurance available for international exhibitions at any one time to $3,000,000,000. The current statutory limit is $1,200,000,000. This increase is necessary to meet the demand for coverage under the Act and to make the benefits of the Act more widely available. The increase is justified by the continuing escalation in art market values since the current limit was established. The availability of this insurance is key to our staging international exhibitions. Since this program was instituted in 1975, there have been only two certified claims totalling $104,000.

O. Section 39 of the bill amends section 5(c) of the Arts and Artifacts Indemnity Act by increasing the amount of insurance available for a single exhibition to $300,000,000. The current statutory limit is $125,000.000. This increase is necessary to provide adequate coverage of international loans protected by the Act. The higher limit is a realistic accommodation for the effects of the dramatic increase and the value of art objects since the current limit was established. The availability of this insurance is key to our staging international exhibitions.

P. Section 40 of the bill amends section 5(d) of the Arts and Artifacts Indemnity Act by ending the deductible amounts under indemnity agreements by adding layers of $100,000 and $200,000 based on the total value of the exhibition. The current statutory limits are $15,000, $25,000, or $50,000 depending upon the value of the exhibition. The sliding scale formula used to determine the current limits should be applied to the increase and the per exhibition ceiling. The deductible layers protect the U.S. Treasury from multiple claims for minor losses or damage. The amendment would actually limit the budgetary impacts or claims against the Federal Government by increasing the exposure of the exhibition organizer who would be responsible for arranging for additional insurance to cover the deductible amount.

Q. Section 41 of the bill repeals Title IV of the Arts, Humanities and Museums amendments which directs the Comptroller General to conduct studies to determine the feasibility of establishing a revolving fund comprised of payments made to the Federal Government for the right to use artistic and other works in the public domain with the funds used to supplement funding of the agencies under this Act. Work on the project was terminated after the Comptroller General's Office consulted with members of Congress and determined that the studies should not be pursued.

R. Section 43 of the bill makes these amendments effective on the date of enactment.

RESPONSES OF MR. FROHNMAYER TO QUESTIONS ASKED BY SENATOR PELL

Question. Tackling future priorities depends so much on increases in your budget. What are your overall budget goals for the Arts Endowment over the next 5 years?

Answer. Our budget goals for the next five years include emphasis on the following six areas:

1. Arts Education
2. Multicultural Initiatives and Activities
3. Rural Arts Activities

4. International Arts Activities
5. Access to the business community
6. Support for Core Cultural Institutions

Arts Education: Since the time of Sputnik in 1957, educational emphasis has been on math and science. Not only has this emphasis failed to produce the desired leadership in technology, but it has relegated the arts in many school curricula to the periphery, at best, and to oblivion, at worst.

The arts help empower children. They teach children to rely upon their own innate creativity and intuition to communicate better. The arts help children to develop discipline, to make sense out of chaos, to recognize that ideas can be expressed in a variey of valid ways, thus developing tolerance and understanding to live in an increasingly diverse, multicultural world.

To suggest that this country must be a leader in creativity, (whether in software or in design) while failing to educate the whole child is short-sighted and possibly disastrous.

a. The National Endowment can be an "evangelist" for the benefits of arts education to states, regions and school districts.

b. The National Endowment can help coordinate the efforts of national arts education associations in music, visual arts, and other disciplines along with state initiatives, initiatives by the U.S. Department of Education, and statewide and local arts advocates.

c. The National Endowment can, through its leadership role, encourage arts institutions such as museums, musical organizations, folk arts centers, dance companies and others to make arts education a priority with local school districts.

d. The National Endowment can, through limited research and identification of model programs, disseminate information which will be useful to states and school districts desiring a better, more comprehensive arts education program.

e. The National Endowment can, through its contacts with the business world, encourage businesses to adopt schools to assure arts education.

Multicultural and Rural Access: Ethnologists have identified over 110 separate ethnic or cultural groups in our society. Each of these groups has its own classical arts tradition as well as its own active arts community.

If we cannot understand each other, how can we, in the United States, learn to live with each other in the coming decades? The arts provide an opportunity for all of us to learn about each other, to appreciate the differences and similarities in our humanity and to learn through the arts about our fellow Americans.

Moreover, we have an opportunity unequaled by any country in the world: to allow these cultural traditions to interact with each other, maintaining what they will of their own and taking from others what they will to develop the richest cultural fabric of any nation in the history of the world.

It is a matter of equity, social necessity, and real artistic opportunity to assure that all cultural groups are included in our programs. With a flat budget over the past ten years, a 30 percent decrease in the spending power of the dollar and a 30 percent increase in the applications to the Endowment, we cannot reach this goal without significant additional funding.

The same is true for our rural areas. While we have made inroads through efforts like touring, artmobiles, residencies, public radio and television, the rural communities in this country are still underserved. The solutions are not very expensive, and the results in quality of life and involvement of our youth are extraordinary.

International Access: The window of opportunity in the international realm is now open. This would have been unimaginable seven or eight months ago. We do not have the program or funds to respond to this opportunity presently.

Business Access: Many of our applicants have distinguished themselves artistically but need systematic and accessible business services in order to prosper. A nationwide program to coordinate with private business to make such services easily available is desparately needed.

Question. I understand that the White House has announced the final four members of the Independent Commission to review grant procedures. Can you tell us anything about the schedule for this Commission now that it is complete? How will it be staffed and where will it be located?

Answer. At this time only the four Independent Commission members appointed by the White House have cleared security. Those recommended by the House and Senate are presently undergoing security clearance, which is expected to be completed shortly.

Background materials for the Commission have been prepared by Endowment staff and we are prepared to assist in any way we can to enable the Commission to provide a thorough report to Congress. Office space, located physically outside of the Endowment, will be leased for the Commission.

Question. Through what Endowment program are funds for the Office of International Activities allocated? Please provide a listing of all international arts exchange programs that received NEA funds in 1989. How is the decision made to lend support to an American performing artist who appears at an international festival? To what extent does the Arts Endowment cooperate with the United States Information Agency in the area of international arts exchanges?

Answer. The Office of International Activities receives funding through the Office of Policy, Planning and Research, though the Deputy Chairman for Public Partnership oversees the International Activities Office.

The total Expenditures for Arts Exchange Programs FY 1989 were $275,000:

$75,000 is committed annually to the United States-Japan Creative Artists Exchange Fellowship Program, which is administered by the Japan-United States Friendship Commission. Through this program 5 American artists receive fellowships for work and study in Japan for six months. Five Japanese artists also come to the United States on funds provided to the Commission by Japan.

$200,000 went to the Fund for U.S. Artists at International Festivals and Exhibitions. This is a public/ private partnership composed of the NEA, the USIA, the Rockefeller Foundation, the Pew Charitable Trusts, and the Arts International program of the Institute for International Education.

In 1989 the Fund had a total of $1,000,000 of which approximately $600,000 was allotted to the performing arts for international festivals and $400,000 to the visual arts for international exhibitions.

The contributions of the Fund members were as follows:

NEA: $200,000
PEW: $200,000
ROCKEFELLER: $300,000
USIA: $300,000

The Visual Arts portion of the Fund contributes to the American artistic representation at the bi-annual exhibitions in Venice, Sao Paulo and Sydney. Proposals received for U.S. showings at these major international exhibitions are selected by a special Federal Advisory Committee on International Exhibitions consisting of eminent museum directors and curators thoroughly familiar with contemporary visual art in this country and abroad.

The Performing Arts portion of the Fund partially defrays the expenses of individual artists and performing groups who have received invitations to perform at one of the more than 1,000 performing arts festivals taking place all over the world.

According to the terms of a cooperative agreement signed by the four Fund partners, Arts International administers a re-granting program for individual performing artists and performing arts organizations invited to appear at festivals abroad and recommended for support from the Fund for U.S. Artists at International Festivals and Exhibitions, as follows:

Arts International convenes a panel of experts in the performing arts disciplines and presenters with international experience which meets three times a year to review applications. Representatives from the NEA, USIA, the Rockefeller Foundations and the Pew Charitable Trusts attend as observers. The applications are judged according to:

1. Quality of the applicant's work;
2. Record of professional activity and achievement;
3. Appropriateness of proposed activity in terms of advancing the goals of the Fund with respect to U.S. representation (particularly by minority artists) at festivals abroad;
4. Evidence of invitation from a festival;
5. Appropriateness of proposed budget and evidence of applicant's ability to carry our the project;
6. Evidence of support from other, non-Fund resources in support of the proposed engagement.

In 1989, the Fund for U.S. Artists at International Festivals and Exhibitions received 150 applications for grants, totaling $2,657,229. It awarded 94 grants for a total of $545,300. (This was less than the $600,000 allotted to the performing arts because Rockefeller and Pew use a calendar fiscal year, rather than the Federal fiscal year.)

The International Activities Office works closely with the Educational and Cultural division of the USIA, as follows:

Arts America: Under an agreement signed in 1978, Endowment panelists advise USIA's Arts America program concerning the circulating exhibitions and performing arts tours which it sponsors abroad. The International Office hosts a special panel which judges applications. It also transmits panel advice about performing groups applying to tour abroad under government sponsorship.

Book Program: A joint initiative of the International Office and the Endowment's Literature program enables USIA's book program to include small press books funded by the Endowment in the exhibits it sends to international Book Fairs. Similarly, the Endowment's Museum program stipulates in its grants for exhibitions that fifty copies of the exhibition catalog must be donated to the USIA for its libraries abroad.

Official Visitors Program: The Endowment's International Office briefs foreign visitors referred to it by USIA's Official Visitors Program because of their involvement with culture and the arts in their home countries. In addition, the office arranges for visitors to meet Endowment program personnel in those disciplines which are of special interest to them. When requested, the Office assists those planning itineraries for foreign visitors, tailoring them to their interests. The Office also briefs visitors referred to it by foreign embassies.

Question. Does the play a role in encouraging arts organizations to review the participation of members of minority groups in the management of their operations and to correct imbalances that might exist?

Answer. The Endowment has for many years required applicants to meet such criteria as "providing opportunities for minority artists and audiences" and to answer questions like, "Describe the project, including how it will be implemented and who will benefit from it; provide demographics for targeted audience(s) or populations to be served."

Here are some examples:

Dance guidelines: Applicants are required to submit a narrative "describing [their] efforts to reach senior citizens, disabled and minority communities and to include minorities in governance and personnel."

Expansion Arts: This program was established to assist the underrepresented and underserved as noted in the program description: "The Expansion Arts Program provides assistance to arts organizations of high artistic quality that relate primarily to culturally diverse, inner city, rural or tribal communities."

Inter-Arts guidelines: Presenting organizations are told: "In applying for funding, organizations should describe any activities that broaden the artistic and ethnic diversity of presentations or significantly expand their presentational capabilities, as such activities will be given special consideration by the panels."

Language of this sort can be found in the guidelines for Museums, Media Arts, Music, Theater, Visual Arts, the Locals Program and so on. The Endowment has a strong commitment to encouraging arts organizations to review the participation of minorities at all levels—as artists, staff and audience. This commitment is expressed in our mission statement:

The mission of the National Endowment for the Arts is:

—to foster the excellence, diversity and vitality of the arts in the United States; and

—to help broaden the availability and appreciation of such excellence, diversity and vitality

A special task force on how the Endowment can take a stronger leadership role in increasing minority participation in the leadership of arts groups has been formed.

Question. A few years ago the MEA's fellowship program for art critics was terminated. I was disappointed that this action was taken as I believe the Endowment should play a role in encouraging thoughtful written arts criticism. Are you considering the resumption of this grant category in the Visual Arts Program?

Answer. The Visual Arts Program had a funding category for critics fellowships from 1972–1984 (with no grants awarded in 1974, 1982, and 1983). Acting upon advice from a majority of the National Council on the Arts, Chairman Frank Hodsoll eliminated the Critics Fellowships category from the FY 1985–86 Fellowships guidelines.

The need for more and better criticism continues to be an issue in the visual arts field. Currently, the Visual Arts Program addresses this need by supporting critical art journals and seminars in the Visual Artists Forums category and Special Projects grants. Some examples:

About 20 publications receive grants averaging approximately $9,000 each.

Grant funds support critical writing in all contemporary visual arts media and all regions of the country. Many critics receive fees through these grants.

A Special Projects grant awarded in FY 1988 to the Center for Arts Criticism in Minneapolis supported a pilot residency project for four critics at four daily newspapers in the Upper Midwest region.

There are no plans to reinstate the Critics Fellowships category; however, the Program will continue to address the issue through its support of critical art journals and Special Projects grants. In addition, we are exploring the possibility of a Challenge III application from a consortium of publications around the country for next year.

Question. Does the find that it has to reject many applications that are of high quality because of a lack of funds?

Yes, in many instances we find that we must make difficult decisions because of a lack of funds.

Answer. The Dance Program's Dance/Film/Video Category panelists were faced with the difficult task of weighing time-critical projects against the imperative of nurturing new work. Despite the panelists' exceptional rigor, they over-recommended the category by 3½ times the available funds and were forced to make difficult second and third round cuts before developing a final recommendation.

The Music Program finds that it often needs additional funds for chamber ensembles, presenters, orchestras, professional training institutions, composers, festivals and music education. In all of these categories, support is not commensurate with the panels' ratings of the applicants. For example, chamber music has shown dramatic growths yet funding allocations have not kept pace with this expansion. Additional funds would enable the panel to recommend more meaningful grant amounts as well as to fund more deserving organizations for which support has not been available.

The Literature Program application load has continued to increase while the funding level has remained level. This makes it especially difficult in the Literary Publishing category, for example, to award grants to new applicants of high quality while continuing to fund previously funded applicants who maintain and increase the quality of their operations. In the most recent panel deliberations, only three new magazines and one new press were "first time" grantees. Many new presses and magazines who were qualified could not be supported because of limited resources.

Question. Is there any way in which the NEA, through the provision of grants for the arts, has actually generated revenue in terms of tax dollars or other monies available for public use?From San Diego to Baltimore and from Pittsburgh to Savannah, cities have focused redevelopment in part on the financial and social sustenance provided by cultural centers.

Answer. Construction of arts facilities brings jobs and raises property values. Employees of arts organizations contribute to the daily economic health of the area where they work, both by paying taxes and by patronizing local businesses. Patrons of the arts buy more than admissions to events. They purchase meals, gifts, parking as well as other goods and services when attending events.

Studies have shown that arts activities and cultural programming are consistent sources of revenue for cities and counties across the nation. Cities with heavily supported arts institutions, such as Ashland, OR with its world-reknowned Shakespeare Festival, become tourist destinations and are the bedrock of the local economy. Appalshop in the hills of eastern Kentucky is a major employer in an economy otherwise captive to coal prices.

An economic impact survey of the arts in Pittsburgh, conducted by the Pennsylvania Economy League, showed that the 1987 opening of the city's Benedum Center had substantial impact on the local economy. This 1989 study revealed the following information:

Spending by arts organizations, their audiences and employees—an estimated $121.7 million per year—generates a total of 2,617 jobs, including those in restaurants, hotels, equipment suppliers and related trades in addition to arts employees.

City amusement tax revenues and parking tax revenue together increased 24 percent, from $1 million in 1986-87 to $1.5 million in 1987-88.

Annual attendance for the 36 arts groups is 2.8 million, and audiences spend an average of $19.93 per person for meals, transportation, shopping, lodging and other items.

Unquestionably, Endowment grants have contributed to this revenue-generating pattern. Because NEA grants are widely recognized as conferring a stamp of approval on arts projects and organizations, they often are precursors to the influx of private support funds.

This influx is the result of the matching requirements for NEA grants, which stipulate that the recipient match the grant with donations equal to, and in some cases, double or triple the amount of the original funds. The figures for Challenge grants are even more pronounced. They have demonstrated a 7-fold rate of attracting non-Federal funds.

These funds, from the NEA and from other sources, are the life support of the cultural industry, giving it the vitality that has made it a valuable contributor to the economic and social health of so many American cities.

The book Megatrends 2000 reports that the arts have overtaken sports as America's number one leisure-time activity.

Question. The question of language that would restrict the eligibility of certain types of artwork for funding is at the core of the current debate over the reauthorization legislation. For 25 years funding has been based strictly on the quality of work as judged by a panel of expert peer reviewers. One fear about restrictive language is that it would promote conformance in art and stifle the creativity that we set out to encourage with this legislation. Artists, by their nature, challenge people to consider new ideas and understand different points of view. What do you perceive would be the long-range effect of such language on the type and quality of art supported by the NEA?

Answer. Restrictive language would, indeed, promote conformance in the arts and stifle creativity, for artists and arts organizations would be afraid to take creative risks that might be interpreted as violating some new law created by Congress.

On April 9, 1990, Joseph Papp, world-renowned producer of the New York Shakespeare Festival, wrote a letter to me regarding the current restrictive language. He asks, ". . . how am I to decide what others consider obscene? . . . And must I play censor too; subject all plays and films . . . to microscopic scrutiny for some clue to sexual 'aberration'?" Subsequently, rather than take such a chance, Mr. Papp declined the $50,000 grant.

Once one set of restrictions is placed on expression, it becomes much easier for further restrictions to be imposed. Rather than risk rejection of their applications, arts organizations would likely offer projects so bland, so totally inoffensive to anyone that they would probably lack the creative edge that has made the Endowment so successful in the past.

At the same time, other artists and organizations—in reaction to established restrictions—would seek deliberately to offend to show they cannot be controlled or intimidated. This will have the undesirable side-effect of creating notoriety for expressions which are of questionable artistic quality, thereby raising them to a status they may not deserve: a status created by the existence of restrictive language rather than by recognition of citizen panels of experts in the fields of the arts.

In addition, it is very likely that many of our nation's finest artists and organizations would refuse to seek recognition from an Endowment that would impose restrictions upon the content of their projects.

Finally, restrictive language is the first step toward establishing an official, government-sponsored art, a condition Congress struggled diligently to avoid when the Endowments were created in 1965.

Question. Throughout the course of the current debate the current issues of free speech and artistic license have been raised by some as central to the question. Do you feel that these are the issues at hand, or might we simply be debating about the appropriate use of public funds?

Answer. We are debating both points. Some see the debate as a question of censorship. Some see it purely in terms of public accountability. Both positions have merit in their arguments, just as both sides exaggerate their claims.

Those who believe the issue is censorship are concerned about the language added to the FY 1990 appropriations bill placing additional restrictions on already existing laws concerning obscenity. They feel certain groups have been singled out and are on a government "hit list". They see current restrictions as just the start of increasingly repressive controls by the government.

Those who see the debate as one concerning the proper use of government funds believe, since a few images were funded that some people found offensive, Federal funds should be restricted to those which are non-offensive to a group they define as "most Americans".

They say debate is about sponsorship, not censorship. However, putting restrictions on what may be sponsored—restrictions beyond artistic excellence and limiting those freedoms guaranteed under the First Amendment—is backdoor censorship.

Those throughout our nation who sponsor projects, programs, Little League baseball teams, school contests and multitudes of other projects do so because a.) they feel the project is worthwhile; b.) they use the history of accomplishment of the organization and its potential for success as guidelines for sponsorship; and c.) they expect those that they sponsor to obey the law of the land.

When a Congressman sponsors a bill, he or she does so with the hope that the resulting law will be a wise and workable one. Sponsorship always implies hope.

The applications citizen peer panels recommend for funding are accompanied with the very same hope. Hope that expressions of national and international significance will be created. Hope that citizens of diverse beliefs, cultural heritage, and places of residence will discover new joys in reaching for their own dreams. Hope that all citizens will be touched with an experience that eases their pain, lifts their spirits, leaps a precipice of personal fear or builds new hope.

Our enabling legislation states: "It is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry, but also the material conditions facilitating the release of this creative talent." How we can best achieve that goal is still the issue we should be debating. During 24 years of the Endowment's existence, a structure without content restriction has worked very well.

The answer to resolving the concerns and fears of both those who perceive this as a censorship issue and those who perceive it as an accountability issue is strengthening and improving the peer panel review process.

Question. A letter was sent to my office by a former member of the NEA's poetry peer review panel. She expressed deep concern about the use of guidelines restricting the content of MEA-sponsored artwork and stressed that, if the guidelines had been in place during her term on the panel, she would have resigned. Do you believe that such guidelines may have the same effect on future panelists? Could it be more difficult to attract the most qualified and knowledgeable individuals to serve on the panels if such restrictive guidelines are retained?

Answer. Yes. The opposition to content-based restrictions from leaders in the cultural community has been overwhelming. I have received letter after letter from citizens who are concerned about the restrictions currently in place.

If the restrictions are even broader or if the present language is retained, I fear that fewer qualified people will be willing to serve on our panels. The strength of the panels has always been in the quality and knowledge the panelists bring to the process.

Question. Could you please expand on your comment about the breakdown within the Visual Artists Fellowship Program between representational and abstract artist grantees? Has the 70 percent (abstract) to 30 percent (representational) split changed over the last few years? How many applications are submitted from artists who would be considered representational? How do you balance the review panel that considers these applications between these two schools?

Answer. The figures I presented at the hearing were somewhat inaccurate, since the average ratio of abstract to representational artists funded annually through the Visual Artists Fellowships category is about 50/50 if the term representational is considered in its broadest sense (i.e., art in which a recognizable image is discernable). My letter of April 4, 1990 to Senator Pell, which I assume has been submitted into the record, clarifies this point.

We are unable to provide exact figures, as we do not maintain records in any Visual Arts category on the basis of aesthetic style. The issue is further complicated by the imprecise definitions of "abstract and representational" and by variations from medium to medium (painting, photography and sculpture). However, over the last five years there has been a definite trend among visual artists toward representational imagery.

Panels in the Visual Artists Fellowships category are composed with great attention to aesthetic diversity and generally comprise five artists working in a variety of styles and one curator. Usually, there are two artists whose work would be called abstract, two whose work would be called representational and one whose work crosses the boundaries of both.

Well-known representational artists who have served on the painting panel in recent years include Alex Katz, Charles Garabedian, Merrill Mahaffey, Joan Brown, Audrey Flack, Pat Steir, Joan Semmel and Gabriel Laderman.

Question. For many years I have urged the Arts Endowment to present each fellowship recipient with a certificate of achievement that would accompany the financial award. During Frank Hodsoll's tenure as Chairman of the NEA, such a certificate was drafted but, to my knowledge, nothing further was done to present them to the grantees. Please bring me up to date on what is being done with this certificate. Are there any other ways to recognize those individuals who receive fellowships?

Answer. The Endowment issued certificates to Fellowship recipients in 1979 and 1980. The issue of issuing certificates was discussed and evaluated in 1984–85 but not acted upon.

Question. What does the Endowment do with the slides it receives from Visual Artists Fellowship grantees?

Answer. Slides of the majority of our Visual Artists Fellowship grantees are currently housed in the office of the Visual Arts Program. There are approximately 3,000 artists represented in the collection which includes work from 1970 to the present. This archive is of tremendous educational and research value to artists, art historians and curators. Unfortunately, due to inadequate storage facilities, the slides are deteriorating and are not easily accessible for public viewing.

The National Museum of American art has offered to receive the slides, provide professional conservation and storage, and publicize their availability to the public. Visual Arts Program panels and the National Council on the Arts have endorsed the idea.

The Museum would require a one-time transfer of approximately $50,000 and would assume ongoing costs thereafter. We are currently double-checking on the need to seek permission from Fellowship recipients to transfer their slides and any possible infringement of copyright laws when duplicating them.

RESPONSES OF MR. FROHNMAYER TO QUESTIONS ASKED BY SENATOR KASSEBAUM

You have observed that the panel review system is analogous to a "trial by jury" and that such panels offer a means for gauging more general public support for particular projects. You also mentioned some steps that have been taken to broaden the composition of these panels on the basis of geography, etc.

Question. Are these steps that you have implemented or were they underway before you came to the Endowment?

Answer. Some of the steps to improve the panels such as grids for geography, gender, etc. were at least partially in place before I arrived. Others, such as my visiting each panel, adding lay persons on a routine basis, and standardizing the procedures for keeping a record are new.

Question. Do you have any comparative data about the composition of panels, say five years ago, versus those formed today?

Answer. Comparative information on the composition of panels is available, but because the information is so voluminous and time consuming to compile, a more narrow inquiry would be easier to answer.

Question. Do you have any specific plans—or recommendations for us—regarding additional steps that might be taken?

Answer. After review, I have concluded that fewer and larger panels will make the process more accountable. I have requested a list of panels that could be consolidated from each Program Director. The staff is also comparing the programmatic differences in the panel process in order to create basic, uniform procedures that will be appropriate to the various disciplines.

The Endowment has been vigilant in striving for fairness through its panel process and has been making progress over the past five years toward balanced panels. For example, in fiscal year 1986, 24 percent of the Endowment's panelists were from New York; in fiscal year 1990 that number is down to 19.4 percent that is before these new procedures have been implemented in the grants cycle. I expect these changes to further ensure that our panels are composed of a diverse group of individuals.

While I do not have any further specific recommendations at this time, we are considering other changes—open panels among them—which might enhance the process.

Question. You have stated your preference for larger rather than smaller panels and indicated that the FY 1991 budget request would permit the creation of larger panels. If Congress approves this budget request, how large would panels be?

Answer. My stated preference for larger panels is to be taken within the overall context of our ongoing efforts to seek refinement of the panel process. To this end, in FY 1990 we increased the size of certain panels, extended the duration of others and added pre-screening panels for programs with a high number of applications or for those applications which are more complex.

In FY 1989 we had 977 panelists serving for a total of 2,657 panelist days (i.e., each day a panelist serves). For FY 1990 we are projecting 1,006 panelists serving for 2,779 panelist days and in FY 1991 we have estimated 1,067 panelists will serve for 2,894 panelist days.In addition, we have added 3 pre-screening panels in FY

1990, bringing the total number of pre-screening panels to 13. These 13 pre-screening panels will carry over into FY 1991.

Ideally, no panel should be smaller than 10. Realistically, this will depend on our success in combining panels. The process will necessarily be a gradual one.

Question. How many subgrants of NEA funds were made last year and what proportion of total MEA spending does that represent? Has the number of subgrants increased over the years and could you provide me with the data on this point from past years?

Answer. The following chart indicates grants, cooperative agreements and amendments which have been awarded and obligated since FY 1987, excluding grants, cooperative agreements or amendments to state arts agencies, designated regional arts organizations or local arts agencies.

Subgranting Activity

	FY 1987	FY 1988	FY 1989	FY 1990
Actions	31	44	55	1
Amount (dollars in millions)	2.1	2.5	3.9	.2

Note.—Fiscal Year 1990 figures represent actions as of April 13, 1990.

Total Endowment Activity

	FY 1987	FY 1988	FY 1989	FY 1990
Actions	4,542	4,628	4,604	4,505
Amount (dollars in millions)	151.4	156.3	148.3	152.4

Note.—Fiscal Year 1990 figures are estimates based on appropriations.

Subgranting Activity as a Percent of Total Endowment Activity

	FY 1987	FY 1988	FY 1989	FY 1990
Actions (percent)	.7	1.0	1.1	NA
Amount (percent)	1.4	1.6	2.6	NA

Note.—Since Fiscal Year 1990 is in progress, calculation of Fiscal Year 1990 would not indicate comparable results.

Question. The final appointments to the commission established in the Interior Appropriations Bill have now been made. What will be the role of the with respect to the commission? What do you believe is a reasonable timetable for completion of their work?

Answer. At this time only the four Independent Commission members appointed by the White House have cleared security. However, when the Commission meets and determines how it will operate, the Endowment is prepared to assist in any way we can to enable the Commission to provide a thorough report to Congress.

Since the Commission members themselves will determine how they will proceed and within what timetable they will operate I cannot speculate on what is reasonable time for them to complete their work. We have, however, obtained space outside the Endowment for their operations, and have prepared preliminary materials for them. We are prepared to cooperate in every way possible once the commission begins to function.

LETTER FROM MR. FROHNMAYER TO SENATOR PELL

Dear SENATOR PELL:

In the hearing on Thursday before the Senate Subcommittee on Education, Arts and Humanities, you asked a question about the percentage of grants awarded to those practicing representational art. I responded that I thought the percentage was about 30 percent representational and 70 percent nonrepresentational. The figures I was using, however, related to realistic or figurative art. If the word representational is used to mean a recognizable image, the figures are more toward 50/50.

A review of the 1989 Fellowship grants in works on paper and painting (the two relevant categories to this inquiry) approximately ⅓ were representational in the broadest sense and ⅓ were realistic or figurative.

I hope this information clarifies, or if necessary corrects my testimony. I ask that a copy of this letter be inserted in the Record.

Senator PELL. Thank you very much indeed, Mr. Frohnmayer, for your excellent testimony. A couple of questions now and I will ask you some more for the record. But touching on the point you mentioned about adding new emphasis on international programs . . . how would that go? Would we be in the position of sponsoring exchange programs or cultural events overseas? What was your thought there?

Mr. FROHNMAYER. I think it could take a number of different manifestations, Senator. For example, one of the deficiencies that is really heartbreaking in Eastern Europe right now is that the symphonies there do not have the music to play the great masters of their tradition—the Brahms, the Beethovens, the Bachs. That music has been xeroxed and re-xeroxed or photocopied for so many years that it is practically illegible. With a very small investment we could make an international gift to them which would have a tremendous effect in terms of the image of the United States.

Another example is that with Vaclav Havel, a playwright as the head of Czechoslovakia, it would be, I think, a tremendously fruitful foreign exchange for playwrights from the United States to go to Czechoslovakia and Czechoslovakian playwrights to come to the United States and interact with our theaters here.

One of the things that we have in the United States because of our experience in dealing with local arts agencies is a tremendous amount of administrative know-how on how arts can be delivered to people. That expertise could be shared with the rest of the world. And the list goes on and on and on.

Senator PELL. How would you relate, for example, to the USIA?

Mr. FROHNMAYER. I think we would need to sit down with them and figure out how the programs could be best delivered, how they fit within the administration and Congress' program. I certainly am not proposing that we undertake the functions of the State Department or the USIA. I am simply suggesting that there are tremendous opportunities for cultural exchange which we have barely begun identify.

Senator PELL. Looking at your list of priorities, are these in order or are they just at random?

Mr. FROHNMAYER. I would very much like to do them all simultaneously, Senator.

Senator PELL. But at the moment they are in order, would that be correct?

Mr. FROHNMAYER. Roughly.

Senator PELL. I would like to return for a moment to your comments on the peer review process which is a very central and needed—it is an excellent system. It has worked well, with good results, and it has protected the public interest and not abused it. Abberations within the system have really been very few. As Senator Metzenbaum pointed out, 80,000 grants and 20 controversies is a pretty good record. You cannot find this record in any other Government department in my view.

Now I would like to ask you if you see any ways whereby you believe the NEA peer panel system could be improved and more responsive to its different constituencies? Should it be made altered in some way for the better, not that it is not doing a fine job now, but what are your thoughts were for the future?

Mr. **Frohnmayer**. Senator, there are a number of things. For example, we have developed—and not all of this is brand new—but we certainly have tried to regularize these procedures/grids to assure that there is wide geographical distribution in the panels. Likewise the same kind of grid for cultural distribution, cultural inclusion. We are certainly considering a requirement that States, locals, and other of our constituents submit names of qualified people because we want to expand that gene pool of qualified panelists as broadly as we possibly can, and we would like to not leave that to happen stance.

We have a minority representation of lay persons on some of the panels, the idea being that that brings a perspective which may be different from someone who is a professional in the arts. And I am not talking about a lay person just grabbing somebody on the street and saying, go in the room and decide on these grants. I am talking about people who are on boards of arts or institutions or collectors or somehow knowledgeable, but do not make their living in the field.

I attend the beginning of each panel, or if I am out of town, one of my staff attends the panel to describe the current legislation, to describe the responsibilities of panelists, to assure that they know why they are there, and if they have any questions that we can respond to them. I have found those sessions to be immensely helpful, because very often from them comes suggestions on how the panel process can indeed be made better.

In terms of other opportunities for making the system better, we do use site visitors. These are people who go out to an applicant and spend as much as a couple of days there going through their books, talking to the people, getting a sense of what their artistic vision is, and writing for us a comprehensive report which is of great assistance to the panelists, particularly if they are not personally familiar with that applicant.

There are other things that we do in terms of the record, and I believe this is an extremely important point. All of our panels are recorded with multiple microphones. The staff are directed to take careful notes as to the reasons why the grants are given or rejected. And the reason that that is important is not just for those that are adopted, but also for those that are rejected, so that they can assist those applicants in better preparing themselves for success at some future grant application.

But it also is important that we identify the artistic significance of that which is recommended. And I say this in the context of the claims that we have funded things that are indecent or pornographic. And I would say preliminarily to that, it is not in my view ever the sole purpose of art to offend. But the excellent art sometimes does offend. And what I think our duty is in the Arts Endowment is to assure that only the most excellent art is funded.

Along that line then, the panels are asked to identify the artistic excellence of anything which is recommended. They also occasionally will also identify the administrative capabilities of the company and other significant items which are important as far as the field may be concerned. As a matter of fact, it might be helpful for you to know what the panel that is currently sitting in the Endowment is looking for in theaters.

They look for achieved performance standards, dramaturgy that is consistent with the theater stated artistic goals. They look at the theater's production history, the organizational priority placed on our artists' compensation. They look at rehearsal time. They look at multicultural participation. They look at opportunities for young artists. They look at performance and production schedules, organizational stability, other private and public support financially, and the relationship of the requested amount to the theater's total budget. Those are the guidelines under which that panel is operating.

In my experiences, the panels are very careful in adhering to those guidelines and making sure that indeed they are doing a workmanlike job of spending the taxpayers' money.

Senator **Pell**. Thank you. Do you take into account ethnic and minority representation on the panels?

Mr. **Frohnmayer**. Absolutely.

Senator **Pell**. Also on the panels, do you have any awards for artists' whose skills lie in academic realism?

Mr. **Frohnmayer**. I did not understand the question.

Senator **Pell**. Do you know anything about academic realism, another phrase for representational?

Mr. **Frohnmayer**. Yes, I do know that phrase.

Senator **Pell**. Do you have academic realists on your panels that you know of?

Mr. **Frohnmayer**. I cannot give you the name of one, Senator, but I am confident that we do. I can respond to that in writing later on if you would like.

Senator **Pell**. I would be grateful. I would like to ask you the perennial question I have always asked your predecessors. What is the rough breakdown between representational and abstract art in the visual arts awards? 50/50? 80/20?

Mr. **Frohnmayer**. It is about 70/30 toward nonrepresentational of the visual arts.

Senator **Pell**. Seventy percent abstract; 30 percent representational?

Mr. **Frohnmayer**. That is correct.

Senator **Pell**. And as you know my own personal view is it should be vice versa.

Mr. **Frohnmayer**. Yes, I have heard before, Senator, that you like representational. [Laughter.]

Senator **Pell**. Do you feel that the sponsorship of an art work—I will go back to this point, pointing out how you have been free of political influence because my views have been steadily and properly ignored for 25 years. [Laughter.]

Mr. **Frohnmayer**. Certainly not ignored.

Senator **Pell**. Do you feel that the sponsorship of an art work necessarily gives consent to the form of art that is expressed?

Mr. FROHNMAYER. I do not.

Senator PELL. That if the Endowment issued a mandatory disclaimer with all the audit funds could a stronger case be made for the funding of controversial art?

Mr. FROHNMAYER. I do not know whether a disclaimer would do it or not, Senator. I have found in the current controversy that we are getting blamed for things we do not even fund, so I am not sure whether a disclaimer would help us or not frankly.

Senator PELL. Could you describe for us the sub-grant procedure, because part of the problem here has been the use of Federal money turned over to another agency which in turn made a sub-grant. What is the procedure you have for monitoring the sub-grants?

Mr. FROHNMAYER. As you know, the legislation requires that 20 percent of our funds go to the States, so that goes straight out to the States in what we call block grants. In our sub-granting policy which was further refined in response to the last fiscal 1990 appropriations language, assumes that States and locals with governing bodies are responsible to those local elected bodies. So we do not review their granting process.

As to the rest that sub-grant, for example, an organization to which we give money and the sole purpose of that gift is for them to then turn around and create their own panels, use their local expertise and give money. We require that those grants be advisory, that they come back, and they be reviewed by the National Council on the Arts in the same manner that those from our own panels are reviewed.

Senator PELL. Is it feasible for the National Council to take on this additional burden—won't this require another day or two of meetings in order to do that?

Mr. FROHNMAYER. It is a substantial burden. It is, I think, required as a response to the latest legislation. I am not convinced frankly, Senator, that it is necessary because I think that the local panels act on the same kind of criteria that we do. They have a far better feel for what is excellent locally than we do from the national level. But I am prepared to do it to assure you and the other members of Congress that we are being a responsible agency.

Senator PELL. I think it is a procedure that should be followed for the time being, very much indeed. Has the effect of these controversies had a "chilling affect" on any of the artists?

Mr. FROHNMAYER. I believe it has, and I certainly have heard, for example, groups wondering whether they should apply to the Endowment, wondering whether they will get on a hit list if they do. I think that there has also been—if that is the chilling affect, there has also been a heating affect. I think that some artists have said, "by golly I am not going to be intimated, watch me now." And have done things that perhaps they otherwise would not have done.

So I think that on both sides of the coin there have been some unfortunate results.

Senator PELL. Thank you very much indeed. I will return now to the ranking member.

Senator KASSEBAUM. Thank you. Mr. Frohnmayer, the examples that you gave of the Lyric Opera and Arena Stage having been supported by NEA are of course excellent examples. I think it points to the fact that it is a very difficult and fine line we have to walk between encouraging the creativity and the diversity of the arts and assuring the accountability that of course comes with the Federal purse strings. And it is not an easy task. There is always the great fear that you are going to throw the baby out with the bath water so to speak.

I want to follow up on the question that the Chairman asked about the sub-grants. The subgrant question is a bit troubling, as I think in several instances, the art which has been questioned was funded through sub-grants. Is that not the case?

Mr. FROHNMAYER. The SECA one was; his Christ piece was.

Senator KASSEBAUM. That was the only one?

Mr. FROHNMAYER. Of those two, that one was a sub-grant.

Senator KASSEBAUM. I share the concern about over burdening the regulatory process, which could be a problem when you down to the sub-grant level. But it does seem to me that perhaps, there are guidelines that should be laid out so there is some sense of accountability for those subgrants. I would think even the sub-grantees or grantors would welcome some guidelines.

Mr. FROHNMAYER. I cannot answer whether there are specific guidelines that go to the sub-grantees, Senator. I am sure my staff knows that, but I do not. But it is my very strong sense that they follow very closely the procedures that we follow in the Endowment in our own panels.

Senator KASSEBAUM. Maybe what I am asking you is, should there be? In your answer to the Chairman you were saying, no, you did not feel a need for any more guidelines than are already in place.

Mr. FROHNMAYER. I am sorry, what is the question?

Senator KASSEBAUM. About any more guidelines for the subgrants.

Mr. FROHNMAYER. I think maybe on a general sense that could be true, Senator, but I am reluctant to say that we could somehow standardize the guidelines because we are looking at that issue within the Endowment itself, and at least our preliminary sense is that there are some differences between disciplines that make it very difficult to make those guidelines lock-step for every discipline. They simply do not all function the same way. For example, dance may function very differently from jazz or music.

Senator KASSEBAUM. To what extent can the past controversies, for instance, be traced back to weaknesses in the process in awarding the grants?

Mr. FROHNMAYER. If we are talking about 20 grants out of 85,000 or let me put it for you in a little different context which I think is even more demonstrative. We are probably talking about 20 visual images out of a million that we have funded over the last 24 years. So to say that those demonstrate that the process is defective, I think is questionable.

Senator KASSEBAUM. I realize that, but as you well know, unfortunately, it is always the 20 that capture the attention.

Mr. FROHNMAYER. I certainly have heard a lot about that lately.

Senator KASSEBAUM. Let me ask you then, for instance, would a request for funding for, say, the Mapplethorpe exhibit or the David

W. show at Illinois State University be done differently today or would they have been funded?

Mr. **Frohnmayer**. I cannot answer whether it would be done or not, but what I can assure you is that past performance is taken into account in future funding.

Senator **Kassebaum**. Pardon me?

Mr. **Frohnmayer**. That past performance is taken into account in future funding. In other words, if it is determined that a grantee has not produced excellent art, then the panel certainly has not only the right but the obligation in my view to take that into account in any future application that comes before us.

Senator **Kassebaum**. It is interesting. I do not want to get into a lengthy process of questioning, but in the Mapplethorpe exhibit, for instance, certainly some of Mr. Mapplethorpe's work was quite artistic. I do not think there could be any question about the excellence of his artistic talent. However, there were some photographs certainly in the particular exhibit in question that were offensive to many. I think that is where the whole question of Federal dollars comes into play, even when it is only a particular segment of the exhibit.

Mr. **Frohnmayer**. Let me respond to that really in two ways, Senator. One is that as fate would have it in Cincinnati right now there is a lawsuit that was filed by the Arts Institution there over the Mapplethorpe exhibit. And in my view that is exactly the forum in which that issue ought to be determined because obscenity is a local issue, and it depends upon local standards.

The second thing I would say is that the analogy here is something like an analogy to a library. There are books in there, you do not have to check them out, you certainly do not have to read them and confront them. But it is quite a different thing to say that those books ought not to be in the library or that in fact the Federal Government ought not to pay for the library at all.

Senator **Kassebaum**. Let me just ask one further question as far as prescribing in the authorizing statute things that should be required. To what extent should we be defining the process by statute, recognizing the difficulties of that? And if we do not do so, what assurances can we give that the NEA is indeed running a tight ship?

Mr. **Frohnmayer**. Well typically the process——

Senator **Kassebaum**. We might all have a great deal of confidence in you, Mr. Chairman, but——

Mr. **Frohnmayer**. Typically the process is not sent out in legislation at least in my experience. Legislation is in broad strokes. I mean that is really the reason that we have separation of powers in our Government. The administration is left to carry out the broad mandates of the legislative body and the judiciary is there to decide whether we did or did not.

I would hope that you would not see fit to try to prescribe procedure for us. I believe we are capable of doing that. I have tried to give you some indications of what we are doing in our testimony, and I do believe that we with our hands on experience in doing this are perhaps better suited to do it than Congress is.

Senator **Kassebaum**. Mr. Chairman, I have a question that Senator Coats would like for me to ask, if I may?

Senator **Pell**. Certainly, please.

Senator **Kassebaum**. Mr. Frohnmayer, this is Senator Coats' question. "You have been quoted in the press as saying that you do not believe that artistic expression should be censored, but you also told me in a visit to my office prior to your confirmation that you were sensitive to concerns I and many Americans have about several NEA funded exhibits that were deeply offensive to a broad cross section of people."

"My question to you today is a simple one. Would you agree that there is a difference between wholesale Government censorship of artistic expression and Congress placing restrictions upon what sort of projects may be funded by taxpayer dollars?"

Mr. **Frohnmayer**. In the abstract, yes. In the particular, no. I think that the censorship item here has perhaps gotten blown out of proportion. What I am seeking from Congress is to simply not tinker with the legislation that has worked so well for the last 24 years in terms of slapping content-based restrictions on it. I simply do not feel those are necessary.

Senator **Kassebaum**. Thank you, and there is another question of Senator Coats that I will submit for the record, Mr. Chairman.

Thank you.

[The question referred to follows:]

RESPONSES OF MR. FROHNMAYER TO QUESTIONS ASKED BY SENATOR COATS

Question. What sort of steps have you, as Chairman, taken to implement the Helms amendment, passed last year, that would restrict the funding of those projects that contain deeply offensive homoerotic, pornographic or sacreligious depictions? Your office has been quoted as saying that applicants for funding are filling out forms, but that you do not expect to follow up beyond that one step. I am concerned that a panel that was created to study this issue will not have time to complete its report by the September, 1990 deadline in the law, especially since its members are not yet in place.

I am also asking this question in the context of a USA Today quote in which you state that Andres Serrano, the person who created the picture of a crucifix in urine with taxpayer dollars, could apply for funding again and that you are confident the process would work. Will it work to ensure that this sort of (quote) "art" (unquote) does not continue to receive funding, and if so how?

Answer. Let me clarify the process. Not only is the Helms language included in our grant letters and in applications published after the legislation was passed, but we have taken other steps to try to enforce the law. I, or a representative, have personally gone to every panel meeting to talk with those people who make initial recommendations for grants and remind them of their obligation to uphold the law.

The National Council on the Arts, our advisory council, is fully aware of the law and takes it into consideration when reviewing panel recommendations.

As Chairman, I must make the final decision on all grants, and I review the grants to ensure that they are complying with the law. If at any stage of this process, we know that the law is being disobeyed or broken, we take appropriate action, either procedurally or by involving other agencies of the government such as the Justice Department.

Despite the 20 images out of approximately 1,000,000 we have funded over 24 years that have caused this crisis, I am convinced that our process fundamentally works well. It is, ultimately, a question of judgement. I hope the trust placed in me to exercise that judgement is well placed. I will certainly perform to the best of my ability.

The scrutiny which this agency has come under in the past year, however, means that the images funded in every show and by every artist will be reviewed by a great many citizens with wildly differing viewpoints. I cannot promise you some won't be offended. I can promise that the past record of applicants, as thorough descriptions of projects as possible, and responsible use of final reports (after projects are completed) will be used to assure that those involved in the grant-making process are as informed as possible.

In addition, increased use of site visit reports (where a designee of the Endowment does an in-depth report on an applicant to aid the panels), National Council and Chairman in making a decision, should aid the process.

I hope this additional information answers your questions. I would be glad to respond further if you desire.

Senator **Pell**. Senator Cochran.

Senator **Cochran**. Mr. Chairman, I am going to yield to Senator Jeffords.

Senator **Jeffords**. Thank you. I do have to get on to another area of clean air on the Senate floor. I am needed on another ward.

John, I just want to commend you—I have been on the authorizing subcommittee or committee for 16 years, either the House or Senate and that, by far, was the finest statement I have ever heard. And I just want to tell you that now is an important time to have a good statement. I deeply appreciate the effort you put into it and what you are doing for the Endowment.

I had an opportunity to be a co-author of the Museum Services Act of John Brademas and a number of others, so I have a deep interest in what we are doing here today. I would like to concentrate more on the positive aspects, especially with respect to the international goals that we might have for you and for others.

I know my little State of Vermont—I always like to plug it whenever I can—has been active in this area. For instance, I was in Honduras earlier this year and our Vermont Symphony went down there. Now, as a result of that, by private gifts of instruments, there is a Honduran National Symphony which we support. I might add that I am sending down my daughter's, unfortunately less than over-used, clarinet to help them out.

Also, we have had some interesting exchanges with the Soviet Union. We have just had a group of dancers in Leningrad this winter who then went out and taught the artists skiing. It was an incredible activity. There is so much we could do there. I remember, when you were with me, pointing out that, after our Revolution, France sent us—perhaps it was not a bag of gold, but they did send us the Statue of Liberty. I could not help but think of what that has done for this country and also could not help but think of all those statues of Lenin that are coming down now. Maybe we ought to try and have them replaced with something.

I wondered just how you intend to structure such a program. It seems to me that we must have an awful lot of people that are willing to dedicate talent and dollars to assisting some sort of a program. How would you structure it and how do you feel we could generate that kind of enthusiasm clearly, we have see it in Vermont and in other areas, an enthusiasm to try and help to make such a program effective and to do things, perhaps as successful as the Statue of Liberty?

Mr. **Frohnmayer**. Let me expand on the Statue of Liberty idea, Senator, because we did talk about that. That was a symbol from France of our successful conversion to democracy, a symbol of an eternal flame of liberty and freedom. We could, through competitions of our artists, paid for by school children's pennies or private contributions from corporations, have a competition that would—with the concurrence of Eastern European countries or Russia or something—give to them a permanent memorial of their freedom. I think that would be one of the finest things the United States could do to exemplify the growth of freedom throughout the world.

We certainly could have exchanges of our artifacts. One of the finest collections of Northwest Native American art is in the Hermitage in Leningrad. It comes from the time when Alaska was owned by Russia. The Kwakiutl and the Klikitat and the Indians of the Northwest coast have never seen those items. Would it not be wonderful, if we could arrange for that exhibit to come to the United States. I mean, really, the international opportunities are unlimited. They really are.

Senator JEFFORDS. I appreciate that and I want to work with you and with the Chairman, who I think also indicates a sincere interest in this activity, as well, of course, as those that have the USIA under their jurisdiction. I think we have an incredible opportunity here to allow our citizens the opportunity to assist during this transition period.

Mr. FROHNMAYER. What we find in this is that people are people all over the world and art is the universal language. We have made precious little use of that in the past and we could do much much better.

Senator JEFFORDS. Thank you. As I said, in our State we have had the young people from Leningrad to visit, as well as from Honduras. So, we have experienced the great satisfaction there can be in this kind of activity and I thank you for bringing it forward.

Thank you very much, Mr. Chairman.

Senator PELL. Thank you very much.

Senator Cochran.

Senator COCHRAN. Thank you, Mr. Chairman.

I am glad to have a chance to come by and congratulate Mr. Frohnmayer for the excellent leadership he is providing for the National Endowment and for all of us individually, as we try to sort through some of the challenges that we are faced with today regarding the questions of censorship and the like. I think that you are really the best person for the job in so many ways, and I just want to wish you well, continued success and urge you to stay the course. I think you are doing a fine job.

Mr. FROHNMAYER. Thank you, Senator.

Senator COCHRAN. You know, with all the attention that has been placed on the performing arts and artists exhibits and how that relates to the work of the Endowment, I think that some may have overlooked the very important role that is played by the Endowment in arts education. Bringing courses and instruction and opportunities to learn about the arts to school children throughout the country is one of the most important aspects of the Endowment's work.

Could you tell us about some of the projects or programs that you are aware of, where the Endowment is providing financial support to make these opportunities come true for many children?

Mr. FROHNMAYER. Let me tell you about Mary Ann Lee in Salt Lake City. She is a dancer, runs the Children's Dance Theater of Utah, and I had the pleasure of being in a situation in which she was teaching about 50 young kids who were out on the gym floor, and she had up on the board a lateral and a frontal view of the spine. On the floor of the gym was about 30-foot long masking tape outline of the spine and she taught those kids how the joints work, you know, the hinged joints are jerky and the ball joints are smooth, and she taught them that the spine protects the internal spinal cord, it gives flexibility, it gives rigidity, and then she put that all together and allowed those children to perform those functions in a dance and they learned physiology and they learned dance. It was really a marvelous performance. I even learned something. That is one example.

Let me give you another example of one that we do not fund, but one which I thought was really demonstrative of the best that arts can do in terms of educating kids. This is a group called Ya-Ya in New Orleans, Young Artists—Young Aspirations. Janet Anapoly had a studio, a gallery across the street from a vocational school and the kids kept coming in and hanging around. These are black kids, for the most part, kinds from all over the city, kids with low economic earning families. Because she could not get rid of the kids, she decided she would put them to work, so she started teaching them elemental design. They knew they could not afford pigments, so they got house paint for $2.00 a gallon, mis-mixed house paints. They used found furniture. They fixed it. They painted it with all of these amazing kinds of creations, shapes, forms, stories and, lo and behold, they sold it.

These kids have appeared in Abatari, the Italian magazine, they have appeared in the French national magazine for the Arts and they have appeared in Life Magazine. They are going to Italy this summer. They do not know how, because they do not have the money yet, but they will get it, I am sure of that. One of those kids said to me, my aspiration, what I want out of all of this is to go to college and to take two other kids with me. That is how the arts can empower kids. They can give them that sense of self-worth and accomplishment that really only comes through, the kind of self-motivation and the self-acknowledgement that the arts can give.

Senator **Cochran**. I know that later in the hearing we are going to hear from Alex Nyerges, who is going to be testifying in a third panel from the Mississippi Museum of Art. I am sure he will tell about what they are doing in terms of outreach throughout the State of Mississippi with exhibits that teach and provide opportunities for students to learn throughout our State, with funds that are provided by the National Endowment for the Arts. We appreciate that sensitivity to this innovative effort that was developed by Mr. Nyerges and is being carried forward with funds provided by the Endowment.

Mr. **Frohnmayer**. That is an exemplary program.

Senator **Cochran**. The Challenge Grant III program is another good example of a fine program funded by the Endowment.

Thank you very much, Mr. Chairman.

Senator **Pell**. Thank you very much.

I have just one follow-up question here, in connection with the recipients of your visual arts awards. Am I correct in saying that one of the reasons for the 70 percent of the awards being given to abstract artists, is that the representational artists are not applying as they should?

Mr. **Frohnmayer**. I think that represents what is happening in the country generally, Senator. I think if you looked across the board in terms of what artists are doing, what contemporary artists are doing, it probably would be about reflective of that split between 70 and 30.

Senator **Pell**. Thank you very much. I must say your testimony has been truly excellent. It is very helpful to us and we will come back to you with written questions. The record will stay open for about 4 weeks. My colleagues and I may offer you some specific questions, and we may ask you to come back before us. Thank you for your testimony which has been truly exemplary and helpful and we much appreciate it.

Mr. **Frohnmayer**. Thank you, Senator.

Senator **Pell**. Thank you very much, Mr. Frohnmayer.

Next we now come to the panel including Mr. Harold Prince, Theater Director and Producer and former member of the National Council of the Arts; Mr. Peter Goldmark, president of Rockefeller Foundation; and Mr. Garrison Keillor, Author and Humorist from New York.

We will start out with Mr. Prince, who has been here before with us. We welcome you back to our subcommittee.

STATEMENTS OF HAROLD PRINCE, THEATRE DIRECTOR AND PRODUCER, FORMER MEMBER, NATIONAL COUNCIL OF THE ARTS, NEW YORK, NY; PETER GOLDMARK, PRESIDENT, THE ROCKEFELLER FOUNDATION, NEW YORK, NY; AND GARRISON KEILLOR, AUTHOR AND HUMORIST, NEW YORK, NY

Mr. **Prince**. Thank you, Mr. Chairman and members of the committee.

Senator **Pell**. Timing is important here. My understanding is that all of you are on notice for 5-minute presentation, if possible, and we in turn will limit ourselves to 5 minutes when it comes to questions, and then we may go around for a second round.

Mr. **Prince**. I cannot resist, however, saying that Chairman Frohnmayer is a tough act to follow, but inspiring.

My name is Harold Prince. I have directed over 50 plays, musicals and operas. Material which I have originated these past 36 years has been performed all over the world.

I have worked in not-for-profit regional theatres, musical and nonmusical, and at the Chicago Lyric Opera, the San Francisco Opera, the Houston Grand Opera, the Met, the New York City Opera, and the Brooklyn Academy of Music—all beneficiaries of NEA grants.

I served as a member of the National Council of the Arts from 1976 to 1982, and before that, for 8 years as a member of the theatre discipline's peer panel. Immodestly, I would point out that during my tenure on the NEA Council, I was instrumental in pioneering the development of Opera/Music Theatre as a separate artistic entity.

In addition, I currently serve as a Trustee of the New York Public Library, and I am mentioning that simply because it thrills me.

I read carefully the testimony of Chairman Frohnmayer, and it was my pleasure to listen to him this morning. And I subscribe totally, not only to the specifics but the spirit with which he makes his case, our case, with special emphasis on the accomplishments of the NEA over the 24 years and the effectiveness of the peer panel procedure.

During the time that I served on the peer panel, I could have not have been more impressed, exhilarated by the selflessness and integrity with which a cross-section of our most responsible artists and arts administrators evaluated their peers.

I would like to address a problem with which I seem to be obsessed these days—the quality of life in our society as affected by the computer. I see before me a generation endangered by an ever diminishing attention-span and conditioned to entertainment and education in 30-second bytes.

Hardly an atmosphere in which art, historical and contemporary should flourish, but astonishingly it has, primarily, I believe, because of the affect of the imprimatur of the NEA on artists and arts organizations in this country.

In my own field, theatre was moribund in the 1960s and limited to few new plays and second-rate revivals. In the years since the NEA was authorized, there have been more first-rate new playwrights, more accomplished designers, actors who know how to play the classics, use their bodies and their voices, and more experienced and challenging directors than in recent memory. And here is the most important fact, there are larger, hungrier, more appreciative audiences all over the country.

The problem which faced nonmusical theatre in the 1960s, faces the musical theatre today. An art form which was preeminently American, the American Art Form, has been out-distanced by our colleagues in Europe. I firmly believe that all of this can and will change and quickly, if the NEA, through its Opera/Music Theatre discipline addresses the needs of our young composers, lyricists and librettists which is indeed exactly what it is doing at this point.

As for the current efforts to exercise restraints on the NEA process on moral grounds, I have very strong opinions. Of course I do not agree with all the grants that have been made. I did not when I served on the panel. But art is a subjective business, and this is redundant, everyone has pointed it out before, but given the enormous number of grants made over these years, the proportion of which I do not approve is less than minuscule. It is inconsequential.

I would point out that, more often than not, what is celebrated by the self-proclaimed critics—professionals and amateur—is popular and disposable; and some of which is condemned, largely because it is different, controversial, joins the mainstream in time and becomes the acknowledged masterpiece.

Here is just a short list of artists and the pornographic works for which they were pilloried:

Edouard Manet: "Dejeuner du L'Herbe" (the acknowledged father of impressionism);

Marcel Duchamp: "Nude Descending a Staircase" (The first illustration of motion in modern painting);

James Joyce: "Ulysses" (arguably the greatest writer in the English language since Shakespeare);

Nijinsky: "L'Apres Midi d'un Faun" (recently brilliantly revived by the Joffrey Ballet);

D.H. Lawrence: Believe it or not "Lady Chatterly" is a required reading in many of our universities literature courses;

Gustav Flaubert: "Madame Bovary" (many think that is the definitive modern novel, but it was vilified);

Two world-celebrated works of art, both entitled "The Kiss"—one a sculpture by Auguste Rodin, the other a drawing by Edvard Munch—are depictions of "individuals enjoying the sex act."

And of course, Picasso did dozens of—so I am off of my 5 minutes? I will hurry.

Go back some years to William Hogarth and Geoffrey Chaucer: Both vilified. And, even further, to Michelangelo: Are we not embarrassed that such a short time ago fig leaves were the order of the day!

There's currently a brilliant and celebrated film based on the cerebral palsy victim Christy Brown's life as a writer and a painter. It is undeniably Art, and it contains half a dozen scatological words which would have been unacceptable 40 years ago, but today are an intrinsic part of the fibre of that work, just as is the nudity in Edouard Manet's masterpiece.

I mentioned earlier that I'm a trustee of The New York Public Library system. Perhaps this is a good opportunity to point out that there are in its stacks many books which some people may object to on the basis of obscenity. You either read them, or you don't—just as you either attend an exhibit, or you don't. Without offending anyone, I would point out that one only need refer to Adolph Hitler and Joseph Stalin for chapter and verse on "decadent art".

There is currently a brilliant and celebrated film based on the cerebral palsy victim Christy Brown's life as a writer. It is undeniably art, and it certainly contains a dozen scatological words which would have been unacceptable 40 years ago, but today are an intrinsic part of the fibre of that work and its expression.

Mention was made by Senator Jeffords of the whole international program and I assume, perhaps correctly, that Chairman Frohnmayer was constrained from pointing out that wonderful and extraordinary such an international program would be, I would think that the existing funding would not cover it or encourage it.

So, in closing I would urge that, instead of hobbling the process with dangerous censorship, it would be more useful to address this small budget alloted to the quality of life in this great country and to extending the period of time between hearings for reauthorization of the NEA.

I thank you for listening to me.

Senator PELL. Thank you very much, Mr. Prince.

Mr. GOLDMARK. Mr. Prince, if you think John Frohnmayer was a tough act to follow, wait till you see who is following you and me. [Laughter.]

Senator PELL. Mr. Goldmark.

Mr. GOLDMARK. Good morning, Mr. Chairman.

My name is Peter Goldmark. I am president of the Rockefeller Foundation. I would like to submit my full testimony for the record and a technical memorandum that describes the Rockefeller Foundation's role in the arts.

Senator PELL. Without objection.

Mr. GOLDMARK. I bring greetings to Senator Kassebaum from Franklin Murphy, a wonder man from Kansas who is one of my guides in New York. I am not going to read any of my testimony. I had a chance to read, while I was sitting there, what Mr. Keillor is going to read and it is a wonderful statement for me of why the NEA is important, so I am going to address only one point and do it orally and that is the question Senator Kassebaum asked in the beginning of our session this morning and I think it is why we are here.

She said, really, what do we say to that person who has a legitimate genuinely felt objection to one of those 20 pieces of art.

We all know the record of the NEA is wonderful. In a world I love, if you had only 20 errors or misses out of 85,000 times at bat, you would go to Cooperstown. You would be in the hall of fame, and I think the record of the NEA is just about in that league.

I also think, Senator Pell and Senator Kassebaum, from some of the people I have talked to who were around at the founding of the NEA, that record is probably much better than they dared to hope when this very bold experiment was launched 25 years ago.

I think those people knew we would be here this morning. I certainly think Jack Javits, from conversations I had with him near the end of his life, thought we would all be here this morning around the question you raised and that we would be asked 25 years later to reexamine what it is we were doing and probably to reforge our Nation's commitment to the arts, because only a living commitment can work with the arts.

What do we say to the person who asks Senator Kassebaum why is my Government involved in funding something that I find personally offensive? I think what we have to do to think through that is to go to the next question, and the next question beyond that is who is going to decide in our society whether it is offensive.

We all live in a country that has a long deep fierce historical skepticism and suspicion of the power of the State.

My answer to that question to you this morning and the original answer of those who set up the NEA is that it must not be the State decides that question. The power of the State in our modern world is so broad and so strong, it makes itself felt in so many ways, indirect and direct, subtle and flagrant, that we have to remember that tradition of resisting, fierce skepticism to the power of the State.

So, there is a fork in the road and one road has to do with Government regulation or standards for content. That is the road we have resisted up untill now. The other road, which is the road the NEA has taken up untill now, is the road of concern for the quality of the art, and it has established an ingenious mechanism, not perfect, but safe in terms of abusive power by the State and that mechanism is the independent peer panel review.

Your constituents may think that 20 balls got through their legs out of 85,000 chances in the field. I may think less than that or more than that, but there has been no danger to abusive power of the State through regulations, through anonymous bureaucrats imposing or interpreting the standards of content. That has not come from the NEA in 25 years or we would be having a very different set of hearings here today.

So, I think they knew that we would have to reexamine and reforge our national commitment to the arts some day. They left us a very good and clear map and that map was the road of State involvement in content. I think if we have one amendment this year that sets standards, however broad, however simple and attractive seeming for standards of the art, then we will have three or four a few years from now.

I think if it is possible to make a strong case to put into law as standard about whether something is religiously acceptable or whether it is obscene, no matter how harmlessly it appears to be phrased, then I think it will be likely impossible for someone else to say we ought to have a standard that has to do with whether the art appears to support evolution or whether it does not, or whether it appears to be patriotic or whether it does not.

I would suggest to you, let us stay away from the road of State involvement in content. I would argue to you that is the only safe way in our society for the State to support the arts.

Thank you.

[The publication entitled "The Rockefeller Foundation, 1989 Annual Report" may be found in the files of the committee or obtained from the Library of Congress.]

[The prepared statement of Mr. Goldmark (with an attachment) follows:]

PREPARED STATEMENT OF PETER C. GOLDMARK, JR.

Good morning Mr. Chairman, distinguished members of the Subcommittee on Education, Arts and Humanities, Senators.

I am Peter C. Goldmark, Jr., president of the Rockefeller Foundation, and I thank you for your invitation. I am pleased to be here this morning to urge you to support reauthorization of the National Endowment for the Arts for the next five years, under the same terms as it was established 25 years ago.

I stand with President Bush and his Administration in urging this course upon you. Like many Aamericans, I was heartened by NEA Chairman Frohnmayer's courageous statement last week in support of the fullest freedom of expression for artists.

Reauthorization of the NEA without the so-called "compromise" language adopted last year is critical because government should not be in the business of legislating controls on the content of art, even though doing so may be the safer or more popular course. Though this "compromise" was struck in the name of decency and morals, it threatens the independence of the arts. Indeed, this "compromise" has already contributed to a palpable and growing fear of government intrusion into the creative arts in America, of a "new, censorship—censorship by intimidation.

The Rockefeller Foundation is one of the nation's oldest private foundations. Our scope is international. We fund programs in many disciplines, but one of the areas of which we are most proud is our commitment to the arts. We are one of the principal non-governmental funding sources each year for projects of American artists working in the visual and performing arts, as well as authors and scholars in the humanities. Over the years, we have been a funding partner with the NEA on major projects including the Fund for U.S. Artists at International Festivals and Exhibitions, the New Forms Regional Initiative, and a composer-in-residence program for American symphony orchestras. Our 1990 budget for the arts and humanities is approximately $16 million.

Let me share with you the essence of our experience in funding the arts. We have provided support for work in and out of mainstream institutions by artists—known and unknown—seeking to establish new traditions and revitalize old conventions. In this regard, I reguest permission to submit for the record a memorandum which describes our arts program and funding process in greater detail.

What we have never done—and this is key to whatever success we have had—is attempt to control the artistic content of any of the programs that receive our support. That would be a dangerous path for a foundation to take. It is far more perilous for government.

The lessons learned over some 25 years of shared experience in supporting the arts are basic:

—Public funding for the arts can succeed if artists are protected from government interference in the content of their art.

—The only standard for public arts funding should continue to be artistic merit, diversity and excellence.

Even with these two principles, there will occasionally be public controversy. Over its 25 years, the NEA has made 85,000 grants, including support for the "Dance in America" and "Live From Lincoln Center" public television series and the Artists in the School program. In all this time and with all these grants, the NEA has found controversy with about two dozen. In a world that I love—baseball—if you succeed at this rate, you'll find yourself on a plague in Cooperstown. In my view, the NEA deserves no less.

Today, however, I fear that our commitment to this tradition is in doubt and the NEA is in danger. Two exhibitions have transformed what might have been a routine reauthorization into a struggle for survival and a debate over fundamental principles.

It is a debate about the relationship between the artist and the state. It is a debate not simply about censorship or prior restraint, but about the government's role as a patron of the arts. When government decides to condition its funding of art on the basis of something—indeed, anything—other than artistic merit, diversity and excellence, then the danger of intimidation is close at hand.

Should government tell artists what or what not to create because it writes the check? In my view, and in the reguirements of the NEA's enabling legislation, the answer is, no. Simply because we are talking about the government, with all the resources and powers of the State at its command, the standards have to be more open, less restrictive.

When art is regulated by the state, or limited by political, religious or other standards of content set by the state, then people know that the art they are seeing is there only because it has passed a government test. Directly or indirectly, subtly or flagrantly, the State has said, "The content of this art is approved." I hope you will agree that is not a road we want to go down in this country.

When it established the NEA, Congress mandated not only that it encourage and support the arts, but also that the NEA prevent government regulation of the arts. The Congress gave the NEA responsibility for assuring that there would be no State standards for approving or disapproving art. This was a major statement for freedom and fully consistent with that vital American tradition which seeks to limit the power of the State over the individual.

Many Americans are concerned today, because that tradition is under attack.

One of our presidents gave clear expression to this tradition when he said:

> "No one realizes the importance of freedom more than the artist, for only in the atmosphere of liberty, artist and patrons are free to think the unthinkable and create the audacious; they are free to make both horrendous mistakes and glorious celebrations . . . In societies that are not free, art dies."

Ronald Reagan made these comments in 1985, when he awarded the first National Medals of Art.

Pericles understood this when he created the Athenian version of the WPA, hiring artists and craftsmen to rebuild his ravaged city after the Spartan invasions.

The Medici dukes and princes understood this when they sponsored the artists who made the Renaissance bloom in Florence.

Thomas Jefferson understood this when he designed the University of Virginia and endowed its fine arts library.

Mr. Chairman, you were one of those who led the Congress in the creation of the NEA. The enabling legislation describes eloquently the high purposes of this institution:

> "We hereby find and declare that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of a scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present and a better view of the future. . . . [We also find] It is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry but also the material conditions facilitating the release of this creative talent."

Free of government standards of content, the arts have blossomed in this country. The NEA has succeeded where others have failed because it honors the distinction between supporting and regulating the creative process. This distinction is embodied in an independent peer review process, the mechanism by which the NEA selects the projects that it funds. In my view, there is a world of difference between a panel of independent experts exercising their judgment and some bureaucrat enforcing government-defined standards of acceptability. It is critical that the NEA retain the independent peer review process, making judgments on the basis of artistic merit, diversity and excellence.

Look to our legal system. Our Constitution empowers a jury—an independent panel of peers—to determine an individual's innocence or guilt. From time to time, juries have erred, convicting an innocent defendant or letting a guilty one go. But we do not remake the jury system when that happens. The dangers of other systems are too great. We should be no more eager to fetter or abandon independent peer review and substitute for it a State code of acceptability in the arts.

The artists and experts who sit on the peer review panels are human. There will be occasions when they will choose to support art that offends some of us. The instances have been few, and I regret that people have been pained, angered or offended by works of art that received NEA or, indeed, Rockefeller Foundation support.

The current NEA debate has clearly divided us. But this same debate offers an opportunity to reaffirm the thoughtful principles that were written into the legislation that created the NEA. In this turbulent year of hope, that is how it should be.

Nelson Mandela is now free in South Africa. Vaclav Havel, a once-jailed playwright, is now President of Czechoslovakia. An underground newspaper publisher is now Prime Minister of Poland. The Soviet Union is embracing glasnost. Popularly elected presidents are taking office in Chile and Nicaragua. The Berlin Wall is a rockpile.

As the world steps forward, we should not stumble or retreat. I urge you to set aside proposals to regulate the content of art and, instead, reaffirm the principles of creative freedom and integrity that produced the NEA's success. I urge you to reauthorize the NEA for the next five years, retaining the process of independent peer review.

Thank you.

FUNDING IN THE ARTS AT THE ROCKEFELLER FOUNDATION:

POLICIES, PROCEDURES AND NATIONAL CONTEXT

I. History and current guidelines

The Rockefeller Foundation has funded activities in the arts since 1963, when the trustees made the decision that "great creative energy, appreciative audiences, lack of steady support [were] compelling reasons [for the selection of] cultural development as one of its major areas of activity in the United States." The Foundation has changed its specific goals in arts and humanities funding during that time in response to needs in the field or overall interests or expertise in the staffing of the organization. The primary commitment throughout this recent history, however, has been support for new artistic work and for institutions that develop and disseminate new work. The Foundation has invested in the development of new work in theater, opera, music composition, choreography, Visual arts, and in the encouragement of such newer venues for artists as film and video, alternative arts spaces, festivals, performance art, cross-cultural collaborations and exchanges.

At the current time, the Foundation is committed to "the encouragement of creative artists . . . whose work can advance international and intercultural work in this country," with particular emphasis on "supporting the flow of art . . . between Third World cultures and the United States, and in increasing opportunities . . . for ethnic populations in the United States." The Foundation publishes and disseminates guidelines under which it makes grants and fellowships in the arts and in its other programs (attachment 1) and an annual report (attachment 2) listing all grantees in the given year.

From 1965 to 1989, the Foundation spent approximately 73 million dollars in the arts. This number includes the annual budgets for expenditures in the arts; also included are some special grants or grants under other guidelines. For instance, current funding for museums, because it largely supports scholarship, is not included under the arts guideline. Funding in arts education is also separate. Occasionally, grants are made for arts projects outside the budget of the Arts and Humanities Division. Even as early as the fifties, for example, the Rockefeller Foundation was a key supporter of the building of the performing arts complex at Lincoln Center in New York City. In 1985, the Foundation made a special grant to help relight Lincoln Center Theater. In 1985, a performing arts fund was established at the Schomburg Center in Harlem as part of its renovation program. In 1989, a special grant was made to the Market Theater in Johannesburg, South Africa, for its outreach and educational efforts in black communities. The most consistent demonstration of belief in the importance of the arts, however, has been the Foundation's steady and increasing funding for the arts on an annual, budgeted basis for the last 25 years.

The annual budget for the Foundation's arts and humanities activities in 1982 was less than 6 million dollars. In 1988, it was 13 million dollars. In 1990, the combined budget for the Arts and Humanities Division is 15 million dollars. Approximately half of that amount each year is spent on the arts: about 3 million in 1982, 8 million each in 1989 and 1990.

II. The National Funding Context

In the context of arts funding by foundations and corporations nationwide, the Foundation's arts budget, despite its modest size, is a significant amount of money. The Foundation Center, which maintains a fully indexed sample of 450 grantmaking foundations—including the 100 largest foundations and 350 others—reports that about 15 percent of those grant dollars were given to the arts and culture. The Conference Board estimates that only 11 percent of corporate foundation support and direct company giving goes to the arts. Based on an analysis of giving by 6,600 foundations listed in the Foundation Directory, only about $900 million annually goes to the arts. A quarter of that amount, or $250 million, is contributed by 35 foundations. The Rockefeller Foundation ranks amongst the top ten in arts funding, along with the Ford, Pew, and Mellon Foundations, and the Getty Trust. The figures are sufficiently small so that every major contributor becomes significant to the maintenance of the arts disciplines. But such private funding is also important beyond the dollar amounts, since the grants provide recognition, and—very often—they provide matching funding for government support or for support from private individuals.

Diverse and multiple sources of funding in the arts, as in other areas, is a hallmark of American philanthropy. American artists and their institutions are dependent upon a combination of funds and grants from multiple sources for their operating and project support. Frequently in the arts, partnerships of support make large-scale ideas possible which could not otherwise materialize.

The Rockefeller Foundation has partnered projects with a number of other organizations: Exxon, AT&T, Equitable, for example, in the corporate community; Ford, Pew, Wallace, Hewlett among foundations. Rockefeller has also partnered a number of initiatives with the National Endowment for the Arts in recent years, including the Fund for U.S. Artists in International Festivals and Exhibitions; the New Forms Regional Initiative, a program which makes commissioning funds available to emerging artists through 13 regional sites; a composers-in-residence program for American symphony orchestras; and a national new opera project mounted through opera's professional organization, *Opera America*. Through such partnerships, significant national activities in the arts have been made possible with expanded funds, greater visibility, and more resources and ideas than could have been made possible by any single supporter. Creating such partnerships and expanding support for the arts has been a recent goal of the Rockefeller Foundation, as it has been of the National Endowment.

III. Selection Processes in the Arts at the Rockefeller Foundation

The Foundation's procedures for selecting grantees in the artscenter on the review of each proposal by peer individuals. The establishment of guidelines and specific programs, as described earlier, are intended to inform prospective grantees of the activities and lines of work of interest to the Foundation. Through promulgation of the guidelines, calls for proposals and direct contact with the several fields of the arts, officers intend that appropriate projects be brought to the attention of the Foundation. Most proposals are submitted within specific programs, and are competitively reviewed by panels of experts, either in-house or through outside arts agencies. For example, a program managed in-house is a new Multi-Arts Production Fund which is specifically directed toward the performing arts and offers assistance to projects or productions that promote the understanding of diverse cultural heritages through innovative new works. In its first year, the program drew 63 proposals, of which 20 were recommended for funding by a panel of seven experts, which included two artists, three arts administrators, and two academics.

A new jazz program, co-funded by Rockefeller, AT&T and the NEA, is managed by an arts organization called Meet the Composer. In the first round of this competition, 63 arts institutions submitted proposals describing residency projects for jazz composers. Sixteen proposals were selected by a panel of eight jazz musicians and experts. The effort is made in all cases to choose panelists who have no involvement with institutions or artists applying in the round they are reviewing. In any situation which might present a conflict of interest, participants are required to absent themselves from proceedings.

In addition to its broadly announced competitive programs, the Foundation identifies and makes grants to particular projects in the arts which may further the goals expressed in its guidelines or test possible new lines of work. In many of these grant submissions, evaluation is made by the professional staff of the Arts and Humanities Division, often with the assistance of expert consultants and/or professional curators. Each decision by in-house panels or officers is forwarded for confirmation and approval to the Board of Trustees, or to the senior management of the Foundation, depending on the size of the recommended grant. Decisions made by outside arts organizations are reported in detail to the officers of the Foundation.

In all of the grantmaking evaluations, the Foundation and the experts it uses place the greatest emphasis on artistic merit. The Foundation does not recognize political or religious restrictions in assessing the artistic worth of projects proposed to it. In funding current-day artists, Foundation officers recognize that they are sometimes supporting work which is not yet validated by time and which may not be recognized or valued by others. The judgment of peer artists and experts is acknowledged to be of particular importance in making judgments about new work. There is also attention paid, particularly in the calls for proposals but also in the judgment of them, to questions of geographic and ethnic representation, since the Foundation aspires to operate as a national and international resource and to reflect the regional and pluralistic nature of the country and the world.

In 1989, using these processes, the Arts and Humanities Division supported more than 200 artists' projects and arts organizations and, indirectly, literally thousands of artists representing all disciplines of the arts and every region of the country. Approximately 73 companies and hundreds of artists from other countries benefited from Foundation support, much of it to enable them to show their work in this country.

IV. Summary

Specific programmatic activity in the arts at the Foundation dates from 1963, but the disciplines of the arts and humanities have played roles at the Rockefeller Foundation throughout the 75 years of its existence. It has long been the conviction of trustees and officers of the Foundation that the well-being of mankind depends upon cultural understanding and communication, creative interpretation and understanding of the world in which we live, the best uses of the past, reverence for heritage, respect for difference, and understanding of change. Supporting art and artists is a way of helping a free society to take seriously the most important questions and concerns of its time.

Senator **PELL**. Thank you very much indeed, Mr. Goldmark. Mr. Keillor.

Mr. **KEILLOR**. Mr. Chairman, Senator Kassebaum, it is a pleasure to come down to Washington and speak in support of the National Endowment for the Arts, I think one of the wisest and happiest pieces of legislation that has ever come through.

I am grateful to the people who have very ably attacked the Endowment over the past year or so for making it necessary for people to defend it. All of us enjoy controversy. I do. And the expression of outrage is healthy. The NEA's adversaries are familiar and dear to me. My ancestors were Puritans from England who arrived, Mr. Chairman, in Rhode Island about 1648, in the hopes of finding greater restrictions here than were permissible under English law. [Laughter.]

Over the years, I think, though that we Puritans have learned something about repression. that is that man's interest in the forbidden is sharp and is constant. I think if Congress does not do something about obscene art, we will have to build galleries twice as big to hold the people who want to go see it. [Laughter.]

If Congress does do something about obscene art, the galleries will need to be even bigger than that.

All governments have given medals to artists when they were old and successful and beloved and near death, but 25 years ago, Mr. Chairman, Congress decided to boldly support the creation of art itself and not simply the recognition of it and, thereby, to encourage artists who are young and vital and unknown and alive and, therefore, dangerous. This piece of legislation, I think, really has changed life in America in lovely and small significant ways.

I think that in every part of this country, when Americans talk up their home town, they invariably mention the arts, something about the arts, an orchestra, local theater or museum or a local artist, and it did not use to be that way. I think that 40 years ago, if an American man or an American woman meant to have an artistic career, you got on the train to New York. I know all the writers from Minnesota did, as fast as they could.

Today, you can be a violinist in North Carolina, you can be a writer in Iowa, you can be a painter in Kansas, which is a revolution in this country, and the National Endowment and the U.S. Congress have helped to bring this about. The Endowment has fostered thousands of works of art, most of which will outlive the usefulness of our testimony, but even more important, the Endowment has changed how we think about the arts.

Today, there is no American family, really, that can be secure against the danger that one of its children may become an artist. [Laughter.]

I grew up in a family that never attended concerts, never went to the theater, never bought books. We were opposed to them, and I never imagined that a person could be a writer. But twice in my life, at crucial times, grants from the Endowment helped me to imagine that I could be. One was in 1969, when I was young and broke and married and had a child and was living on a farm out on the Prairie and subsisting on a little bit of cash and a lot of vegetables. I was writing for the New Yorker at the time, but they were not aware of it. [Laughter.]

I often had fantasies of a patron coming to my door and receive a letter offering me a job for 1 month in the Writers in the School's program in Minneapolis, which was funded by the NEA in 1969, directed by a woman named Molly LaBerge, which sent young writers into the schools to read and teach. In 1969, there were only three such programs in the country. in Minnesota, New York and California, and today there is at least one in every State.

My residency earned me $300 for a month's work and was the first time that anybody paid me to be a writer and was the sort of experience that a person looks back at afterwards and wonders what would have happened if it had not come along.

In 1974, a grant from the NEA enabled us to start a Prairie Home Companion in Minnesota. Help which was crucial, because the show was not that great to start with, we had 12 people in the audience for our first broadcast, and we made the mistake of having an intermission and lost half of them. [Laughter.]

It took us a few years to figure out how to do it and by the time we had figured it out and the show became popular the Endowment had vanished from the credits. Its job had been done early on.

When you are starting out— and I think it is true in the arts as in politics—when you are starting out, it seems like nobody wants to give you anything. Then, when you have become successful and you have everything that you could ever want, people just cannot do enough for you.

The beauty of the Endowment is that it is there at the beginning, has been for so many artists, and when you are there at the beginning you never know what the outcome will be of a work of art, whether it will please you or offend you or just mystify you.

When I graduated from college the degrees were given out in reverse order of merits, so I got mine early and I had a chance to watch the others. I remember that the last graduate, the summest cum laude walked up the stairs to the platform and on route stepped on the hem of his own gown and walked up the inside of it. Like him, the Endowment has succeeded in embarrassing itself from time to time. I wish it would do it more often, but a few is enough to the entertainment and the elucidation of all of us. But like him, the Endowment keeps on going. It has contributed so much to the creative genius of our country, to our art and music and literature, which to my wife and other foreigners is the most gorgeous aspect of this country.

I hope that it lives for 25 more years and I hope that we continue to argue about it.

Thank you.

[The prepared statement of Mr. Keillor follows:]

PREPARED STATEMENT OF GARRISON KEILLOR

Mr Chairman and members of the subcommittee: It's a pleasure to come down to Washington and speak in support of the National Endowment for the Arts, one of the wisest and happiest pieces of legislation ever to come through Congress.

I'm grateful to those who have so ably attacked the Endowment over the past year or so for making it necessary to defend it. I enjoy controversy and I recognize the adversary, they are us. My ancestors were Puritans from England. They arrived here in 1648 in the hope of finding greater restrictions than were permissible under English law at that time. But over the years, we Puritans have learned something about repression, and it's as true today as when my people arrived: man's interest in the forbidden is sharp and constant. If Congress doesn't do something about obscene art, we'll have to build galleries twice as big to hold the people who want to see it. And if Congress does do something about obscene art, the galleries will need to be even bigger than that.

All governments have honored artists when they are old and saintly and successful and almost dead, but 25 years ago Congress decided to boldly and blindly support the arts support the act of creation itself and to encourage artists who are young and dangerous and unknown and very much alive. This courageous legislation has changed American life.

Today, in every city and state, when Americans talk up their home town, when the Chamber of Commerce puts out a brochure, invariably they mention the arts—a local orchestra or theater or museum or all three. It didn't used to be this way. Forty years ago, if an American man or woman meant to have an artistic career, you got on the train to New York. Today, you can be a violinist in North Carolina, a writer in Iowa, a painter in Utah. this is a small and lovely revolution that the National Endowment has helped to bring about. The Endowment has fostered thousands and thousands of artistic works—many of which will outlive you and me—but even more important, the Endowment has changed how we think about the arts. Today, no American family can be secure against the danger that one of its children may decide to become an artist.

I grew up in a family who never attended concerts or museums, never bought books. I never imagined that a person could be a writer.

Twice in my life, at crucial times, grants from the Endowment made it possible for me to be a writer. The first, in 1969, arrived when I was young, broke, married with a baby, living on very little cash and a big vegetable garden. I was writing for the New Yorker at the time but they weren't aware of it. I wrote every morning and every night. I often had fantasies of finding a patron—a beggar would appear at my door one day, I'd give him an egg salad sandwich, and suddenly he'd turn into a man in a pinstripe suit, Prince Bob from the Guggenheim Foundation. But instead of him, I got a letter offering me a job for one month in the Writers in the Schools program in Minneapolis, funded by the NEA, directed by Molly LaBerge, which sent young writers into the schools to read and teach. In 1969, there were three such programs, in New York, California, and Minnesota; today, there's at least one in every state.

In 1974, a grant from the NEA enabled me and my colleagues at Minnesota Public Radio to start "A Prairie Home Companion". The help of the Endowment was crucial because the show wasn't that great to begin with. For our first broadcast, we had a crowd of twelve persons, and then we made the mistake of having an intermission and we lost half of them. The show wasn't obscene, just slow, and it took us a few years to figure out how to do a live radio show with folk music and comedy and stories about my home town of Lake Wobegon. By the time the show became popular and Lake Wobegon became so well-known that people thought it was real, the Endowment had vanished from the credits, its job done.

When you're starting out, it seems like nobody wants to give you a dime, and then, when you have a big success and have everything you could ever want, people can't do enough for you. The Endowment is there at the beginning, and that's the beauty of it.

When I was a young writer, I looked down on best-sellers as trash, but gradually over the years they improved and then suddenly one of them was mine. First, Lake Wobegon Days and then Leaving Home, and my desk filled up with offers to speak, to write, to appear, to endorse, which I've thoroughly enjoyed, but I remember very well when nobody else but my mother and the National Endowment was interested, and I'm grateful for this chance to express my thanks.

When I graduated from college, the degrees were given out in reverse order of merit, so I got mine early and had a chance to watch the others, and I remember the last graduate, the summest cum laude, a tall shy boy who walked up the stairs to the platform and en route stepped on the hem of his own gown and walked right up the inside of it. Like him, the Endowment has succeeded in embarrassing itself from time to time—to the considerable entertainment of us all—and like him, the Endowment keeps on going. It has contributed mightily to the creative genius of America—to the art and music and literature and theater and dance which, to my wife and other foreigners, is the most gorgeous aspect of this country. Long may it wave.

Senator PELL. Thank you very much indeed.

I like your thought of continuing another 25 years. I am delighted you were here for the first 25. I am not sure I will make the second 25. I would like to ask a couple of questions particularly, Mr. Goldmark, in connection with the Rockefeller Foundation.

When you co-sponsored—co-funded I guess would be the word—several major programs with the NEA, if there had been restrictive language in the NEA's statute, would that affect your co-funding?

Mr. GOLDMARK. It is very hard, Senator, to give a broad reaction to a hypothetical down the road, but I would say, as a general rule, if the NEA were forced to go down the road of contents standards, as opposed to the peer review, because if we are forced to go down the road of contents standards, I think that we and many other private co-funders would have the gravest reservation about whether that was a wise road for us to accompany them on.

Senator PELL. Is it your own thought that these sub-grants allow enough accountability in the use of the public funds? How do you and the Rockefeller Foundation handle the question of sub-grants?

Mr. GOLDMARK. We handle the sub-grants primarily, Mr. Chairman, by reviewing the qualifications and the performance of the sub-granting organization. We cheerfully try and avoid any judgment about certainly the religious or the political content of the work they have funded. Like the NEA, every once in a while we find ourselves surprised, I think is the word Mr. Keillor used, but we believe strongly that it is the greater danger to enter that thicket and attempt to make judgments about the content.

We review a sub-grantee's overall performance regularly and, wherever possible, we seek the judgment of peers and other professionals in the field in choosing those sub-grantors.

Senator **Pell**. This is a question I would like to ask all the panelists, and that is, do you think that the standards of public funding of the arts using tax dollars should be different from the standards used by private organizations? In other words, should there be different standards for tax dollars than private dollars?

Mr. **Prince**. Absolutely not. I would think absolutely not. I would like to divert a little bit simply in some of the language that I have been reading without artistic merit, serious literary artistic, political or scientific value. I am very distressed by anything that raises the question, who determines all of this, and I think that connects up with my absolutely not. No, I would not think there would be any different standards.

Senator **Pell**. Mr. Goldmark, what would be your thoughts?

Mr. **Goldmark**. I am going to disagree with Mr. Prince. I think we have to be a lot more careful about the State, sir. We have a broad tradition of private giving, individuals, foundations of community initiatives, of community arts. We have all been in a local neighborhood play sometime. When it comes to the State, when it comes to offices in Washington with hundreds of employees, when it comes to guidelines and wonderful harmless phrase, I think the standard has to be tougher.

I think we have to be much more careful and much more vigilant about what kind of regulation we let the State get into than we do private giving. I belong to those in this country who have this fierce skepticism about Government deciding those kind of things. And when I read some of the definitions that have been offered even by members of the two Houses of Congress as to what they would allow and not allow, their definition of wholesome art, I get afraid, Mr. Chairman.

So, I think the standard for the public sector should be tougher and I think we should take pains to keep them further away from that swamp of content regulation—tougher standards than the private funders.

Mr. **Prince**. I think I misunderstood, because I certainly agree with you. I think that was I was essentially saying. I am sorry if it came out the other way, but I totally subscribe to what you are saying.

Senator **Pell**. Do you think that a certain common sense of decency might be appropriate for the Federal Government to require?

Mr. **Goldmark**. For the sake of decency?

Senator **Pell**. Sort of a common sense approach that makes one be turned off by certain——

Mr. **Goldmark**. I am going to give you a very direct answer to that, Senator. I prefer the common sense exercise by those independent experts in Mr. Frohnmayer's panels than I do the common sense on what is religiously and politically acceptable that I see sometimes in legislation or in a Government agency. I do not just mean the Federal Government. I mean a State government, a local government. That is where I would put my hope for common sense.

Senator PELL. So, if I understand it correctly, neither of you believe that there should be a more rigid set of requirements for the award of Government funds, taxpayers' dollars, as opposed to private funds?

Mr. GOLDMARK. No, sir. On the contrary, I think the State must be more careful and must stay farther away from that.

Senator PELL. In other words, there should be more freedom of the States' awards than there would be under private awards?

Mr. GOLDMARK. Right. Less involvement in content than in private awards may sometimes——

Senator PELL. Would that also be your view, Mr. Prince?

Mr. PRINCE. I am confused, but I do not want to waste any of your time. I apologize, I am a bit confused. I thought it was just simply a matter of, is there interference or is there not interference. As far as I am concerned, there should be no interference and we should, of course, go right back to the panels. Insofar as Chairman Frohnmayer addressed that, the makeup of the panel, reexamining the makeup of the panel, I certainly support it. That is self-regulatory and no group is better able to know what is lacking in the makeup of a panel, if there is something lacking than the NEA itself.

I do not see how outside people can feed into this in any valuable way.

Senator PELL. Mr. Keillor, what would be your thoughts on this?

Mr. KEILLOR. I think one of the beauties of the Endowment is that it is really at the heart a system of volunteers of thousands of panels and committees and sub-panels and advisory panels of local people across this country, and I think the decisions really must rest with those people, rather than having some higher authority.

Senator PELL. In essence then, when, it comes to the expenditure of your tax dollars, you think there should be less involvement of Government than the expenditure of private or foundation dollars? That is the view of all three of you?

Mr. GOLDMARK. It is more important to draw and observe that line, because the power of the State is so much greater than the power of any of the private institutions in this country.

Senator PELL. I find that very interesting and stimulating. I am not sure I agree, but I appreciate your thoughts. Again, Mr. Keillor, it is a great honor to have you here. One of the things you have done so well on your radio shows is to identify and encourage new talent, just like the NEA found you many years ago. Could you comment on this part of the NEA's work in developing new talent?

Mr. KEILLOR. I say, at the risk of repeating myself, that if you stand up and declare yourself to be a writer or a painter, the first few years and sometimes the first many years are lonely ones. When you have had a success, then attention and glorious offers come on you almost to suffocate you. I remember after I published Lake Wobegon Days, my desk was full of offers to write and speak and appear and teach and be the recipient of this and that. Any one of which would have tickled me pink back in 1969.

The National Endowment has decided to take risks by backing unknown people, unknown people who may leap up and become objects of controversy and embarrass you. Most private patrons, I think, do not care to take that risk and they really are glad to come around toward the end and take a bow and unveil the plaque, but the Endowment is there before anybody has ever heard of you. That really is the glory of it.

Senator PELL. Thank you very much for your testimony.

I return to the ranking minority member.

Senator KASSEBAUM. Thank you, Mr. Chairman.

Mr. Keillor, I have a feeling you are gathering wonderful material. I hope you will come to Kansas and present it. I would just make a comment. When you mentioned that, before the NEA, there was not the chance in Minnesota or in Kansas to see the arts. But you know, I think there was a chance, at least in my day. I can remember seeing Catherine Cornell at the Municipal Auditorium in Topeka, KS, as I was growing up, and some of the greats of the theater. Road shows traveled across the country, and this was also true in the field of music and ballet. I think that has changed considerably today.

Television perhaps has taken over, but that does not give the same sense of personal involvement as a child feels sitting in an audience and seeing the greats of the world of art. I did not mean to get into that except that it did happen, and it does not happen any more. Mr. Prince.

Mr. PRINCE. I would tend to disagree. I think the business about greats and numbers of greats, there were very few in number, really, of those people, because I, too, was introduced to those performances by those few people. Believe me, if one tried to do a classic play, a Shakespeare or Moliere in the 1950s and 1940s, when I was starting, it was very very difficult to cast. You went straight to Joe Ferrer and, if he was not available, to Morris Evans and so on.

I mean, basically, people had not gotten the kind of training they are getting all over the country today and, as I mentioned in my address, they know how to do sword fights, if you will, and move their bodies and save their voices and project. There are so many more qualified, really trained people today, thanks to the imprimatur of the NEA than there were then.

As for numbers of opera companies, just look at the numbers of theaters. Also, I sit in New York City, but I am the recipient of more mail from all over the country in the last 20 years than the period before then, and it is not fan mail. There is serious question about how to get on with a career in this art form.

Senator KASSEBAUM. I did not mean to be making a comparison with NEA. It was just that it seemed to me that there was a greater willingness to go out on the road, so to speak, to play the smaller towns.

Mr. PRINCE. Well, there is not the money any more.

Senator KASSEBAUM. Exactly.

Mr. PRINCE. But you see, the regional theaters have filled that gap, I think, eloquently.

Senator KASSEBAUM. That is a good point. Mr. Prince, you mentioned having served on a peer review panel and that you were impressed with that?

Mr. **Prince**. Very.

Senator **Kassebaum**. Is there any way that you believe the peer review process could be improved?

Mr. **Prince**. I am not quite equipped to talk, because it has been some years. It was before 1976 that I was on those peer panels. However, in the 6 years I served on the Council, I would visit them whenever I could. I think the process has improved with the years. There is no question in my mind that it has improved. Insofar as the makeup that Chairman Frohnmayer was talking about, it is a much wider spectrum, covers a much wider spectrum than the peer panels back in the late 1960s and early 1970s, and I think that is an advantage.

There is much more attention being paid to regional problems and introducing the arts and encouraging them out there than there was in those days. So, I think the situation has improved and improved and I assume that the people who are improving it will continue to improve it.

Senator **Kassebaum**. Let me just ask any of you. In the work of the peer panel, do you ever check out a sub-grant? How should it be done? When you are reviewing a contract, do you take into consideration any views of the State Arts Councils?

Mr. **Prince**. We did. We used to have, obviously, and they still do have members of State Arts Councils attending those peer panel meetings almost every one of them, if not every one of them and serving on them, so I would have thought that came up for discussion. There really were no holds barred, as far as I was concerned, during the 8 years that I sat on peer panels. Everybody said whatever came into his mind and there was plenty of controversy and there was, as I said, a kind of selfless thing, consensus finally.

Consensus is, after all, what we have not quite mentioned today. But it is, after all, consensus that finally will come up with that word I do not like a lot, guidelines with respect to what is acceptable and what is not acceptable, what is obscene, what is pornographic and what is and what is not.

Finally, the most valuable thing I have heard is the baseball analogy. My lord, 20 mis-catches is nothing against 85,000 home runs. We might as well speak idealistically about it.

Mr. **Goldmark**. I would add one thought to that which has been addressed by John Frohnmayer which is—this is not addressed to you Senator Kassebaum, but I have with some people I have talked to, I sensed that they are groping for a formula that will guarantee there will never be a controversy again, and I am not sure we mortals can find that formula.

Senator **Kassebaum**. Or whether we would want to. I mean we would not have any material then from Mr. Keillor. [Laughter.]

Mr. **Goldmark**. He will be writing for the New Yorker.

Mr. **Keillor**. I just would like to disagree with the baseball analogy and I do not regard those 20 controversial works—I do not know what controversial means in that case, what the standard or guideline for controversy is, but I do not regard them as being missed balls or errors. I think these works that we are discussing and dismissing are created with the future in mind and the jury is still out on Mr. Mapplethorpe's work. That is not up for a vote. That was not necessarily a mistake.

I wish there were more controversial projects that we could list there. I wish there were 30 or 50 at least. I think that that small number out of 85,000 is a remarkable testament to how timid and self-repressed the arts are in this country. [Laughter.]

Senator KASSEBAUM. I tell you I think we have found the answer to trying to make the case. Maybe you will have to take this show around the country. Thank you very much. I think everybody had some very thoughtful observations.

Senator PELL. Thank you very much indeed, gentlemen, for being with us and taking the trouble to come.

We now come to our third and final panel: Dr. Franklin Robinson, Director of the Museum of Art, the Rhode Island School of Design; Mr. Edward Villella, Artistic Director, Miami City Ballet, Miami Beach; Mr. Alexander Nyerges, Executive Director, Mississippi Museum of Art, Jackson; and Mr. Milton Rhodes, president of the American Council for the Arts.

I thank all of you gentlemen for joining us today and particularly I want to welcome my own friend and constituent, Dr. Robinson. When we were talking about education and the arts, it reminded me of a wonderful program in our State some years ago before the money dried up, whereby every high school graduating class in the whole State went to Dr. Robinson's excellent Museum at the R.I. School of Design. It is a program I would like to see started again. I regret exceedingly it is no longer going. Dr. Robinson.

STATEMENTS OF FRANKLIN ROBINSON, DIRECTOR, MUSEUM OF ART, RHODE ISLAND SCHOOL OF DESIGN, PROVIDENCE, RI; EDWARD VILLELLA, ARTISTIC DIRECTOR, MIAMI CITY BALLET, MIAMI BEACH, FL; ALEXANDER L. NYERGES, EXECUTIVE DIRECTOR, MISSISSIPPI MUSEUM OF ART, JACKSON, MS; AND MILTON RHODES, PRESIDENT, AMERICAN COUNCIL FOR THE ARTS, NEW YORK, NY

Mr. ROBINSON. Thank you, Senator Pell. Actually that program is continuing on at least in some form. Over 13,000 school children come through our galleries on guided tours every year and those 13,000 school children come from over 100 schools.

The controversy over Government funding of the arts goes to the heart of what art is about and what museums are about. Among the many things that art does for us all is that it challenges us. It demands that we rethink our assumptions about every issue in life—from religion to politics, from love and sex, to death and the afterlife.

It is amazing how often those assumptions change as a result of this challenge. How often the unacceptable in one generation becomes one of the glories of the next. Thomas Eakin's images of the nude, Rembrandt's etchings of holy scenes and humble settings, Manet's Olympia, Rodin's Balzac—the honor roll of the reviled goes back many centuries. Whether or not this or that particular work of art, hated today, will be loved tomorrow is not really relevant; to rein in that freewheeling creativity, that freedom to be offensive, is to destroy what art can offer us in the first place.

This whole controversy tends to misunderstand what museums are about, too. The single greatest achievement of American democracy may well be our educational system, and museums are an integral part of that system. In fact, along with public libraries, we are the ost important place for those who are not students—that is, most of us—to keep on learning. And what is it we learn about? About good cultures and bad, about the art of democracies and the art of emperors, about religions still very much alive and those long dead and those we might not call very religious at all.

To say that museums should not present the artistic expression of this or that culture—or of this or that point of view or religious, sexual, or political orientation—is to deny what museums are all about, and what education is all about. To say that we should study only the accepted, in other words, what we now already, is to limit our horizons and guarantee our own mediocrity.

For the Government to give a grant to this or that artist or exhibition is not to pick out that artist or those works of art for an award or even for approval. The Government gives many grants to many artists, as we have heard in the past 25 years, to 85,000 different art projects, and the variety of styles, approaches, orientations, biases, even prejudices, is literally dizzying. For every exhibition that has challenged "traditional family values" there have been a dozen others that supported them. The museum world does not speak with one voice, it is not an advocate for one point of view, except for the value of art itself; it is a forum where many voices may speak.

And we cannot say that offensive art can be shown in public, but just not supported by tax dollars. There is not a museum in this country that is not supported by tax dollars, in the form of direct subsidies for everything from the leaky roof to general operating support, and even more importantly, by the fact that we are all tax-exempt.

So these controversial exhibitions would have been Government-supported even without a Federal grant. If we go the next step and say such art cannot be shown in museums, then where in public, does it get shown? In small, commercial galleries or artists' lofts, far away from any place where we might be reminded of it? Are our values so fragile, our faith so shallow, that we cannot abide the thought of these alternatives being in the same building that displays a thousand images affirming more familiar values?

In the whole process of choosing programs to support, the principle of peer review is essential. Why is that? Is not art for everyone? Yes, it certainly is, just as hospitals are for everyone. But none of us would choose a man off the street—a museum director, for example—to take out our appendix. Professional training and professional experience bring insight and perspective, and a special sense of caring and responsibility.

Government, and those who lead or influence the Government, should be encouraging artists and museums and the educational system as a whole to be as broad and open as possible; only in that way can we grow, only in that way can our deepest values evolve, respond to the challenges of our own time, and become stronger. Thank you very much.

Senator **Pell**. Thank you very much indeed, Dr. Robinson. Mr. Villella, we would be glad to hear from you.

Mr. VILLELLA. Before I begin, I would like to submit for the record testimony on behalf of reauthorization of the National Endowment for the Arts submitted by the American Arts Alliance.

Senator PELL. Without objection.

Mr. VILLELLA. I would like to begin by saying, what is an artist? What are we about? We certainly reflect, we are certainly influenced, we comment, we respond to our environment and our surroundings. We are tolerant of all humanity and not just particularly to artists, but to everyone—sports, politicians, etc. We experiment, we extend. We respect tradition. We like to think that society and history ultimately judge and decide what is bad. We have a consistent sense of principles. We seek freedom with passion.

What are artists in this country? Well, I would like to illustrate this point by speaking a little bit about myself. I am a kid who grew up in Queens. At 9 years old I got hit in the back of the head with a baseball—growing up as an Italian-American in a Irish-American neighborhood—physicality spoke. This particular physicality caused me to be dragged to my sister's ballet school. I resisted, I was forced. I then defended my art forum, as time went by, explaining to my peers exactly what I was doing wearing tights and pointing my toes.

My father ran a trucking business in the garment center; my mother was an orphan. They wanted a better life. They wanted the "American dream."

I became a principal dancer at the New York City Ballet for over 20 years. I was a member of the National Council on the Arts for 6 years. I served for about 25 years on peer panel reviews. I was chairman of the Commission for Cultural Affairs for the City of New York. I have a Bachelor's of Science degree in Marine Transportation—essential for being a classical dancer.

I won letters in baseball and I was welterweight boxing champion. I was a producer-director at Dancing America. I even won an Emmy, and I am a registered Republican, whatever that means.

Currently I am Artistic Director of the Miami City Ballet which is three and a half years old. It is a company that I founded. How important is 25 years of the National Endowment for the Arts to the Miami City Ballet? Well, I think it is the "American Dream." To have the ability to start something from the ground up, to do something that will add to the betterment of life in the community—that is a noble and wonderful circumstance and situation.

The Miami City Ballet began in the American way—to prove ourselves first. What we needed to do was to seek local support, initiative, and get the community to say yes. However, in the midst of all of that, we were to initiate a start-up operation in an area that I was informed was "a cultural wasteland." I was going to waste my time. However, again, 25 years of background and Arts Endowment experience, I dove in. The community not only responded, but on opening night of a brand new start-up organization in this cultural wasteland, we had 5,000—not ticket buyers, subscribers—closing night, 7,000 subscibers. Three and a half years later, we now have 14,000 subscribers and 160 performances. We have staged 60 ballets. We are doing our fourth international tour. We have made a New York City debut, have enjoyed large domestic touring, etc.

After 2 years of local support and making as much of a major statement as possible, we were awarded an NEA gant. We received $25,000. This money clearly opened doors for the Miami City Ballet to larger corporations and national foundations in order to keep pace with an unprecedented growth and artistic development. With $25,000 of seed money from the NEA, we have since raised approximately $5 million. That is the kind of stimulation that is truly the American way.

This grant reassured our community and our funders and in turn, next year's budget will be $6.4 million. We are now able to increase all of our services to our community, and not only to our community, but nationally and internationally as well. Those services bring an alleged "cultural wasteland," a new American classicism, a new elegance.

When George Balanchine was in the Soviet Union and the Russians said, "Now we are welcoming you back to classicism," Ballanchine responded, "No, classicism now lives in America." The Miami City Ballet is a multicultural organization. We have Latins, Germans, Italians, Australians, African-Americans, and indeed Native Americans.

Our services include general repertoire. We also do ballets for young people. We bus in 5,000 children at a time. We reach out to the elderly. We have educational programs for our general subscribers. We like to have people who know what they are watching, rather than coming because they know the story. They watch the story. Our audiences are involved in the story. We have provided a better quality of life for our community. We have watched restless inner city kids settle down and be mesmerized by quality entertainment about which they previously giggled.

I had the great experience of explaining what classical hands are. There were five black angry youths looking at me with displeasure and I explained that what we do is that we make a fist, let it go, relax it, and release tension, and we arrive at the classical position of the hands. All of those black youths were clenching their fists to begin with and suddenly they were looking upon their hands as something other than a defense mechanism or aggressive tool.

The Miami City Ballet had the great fortune of touching the lives of young people. We give 12 percent of our tickets away. We are very very interested in our community. Where can we go from here? We are the eighth largest ballet company in the United States right now, but the most important thing is not size, but respect for the art form. We look back on tradition, yet that is not what we look forward to. We look forward to innovation and invention. We make our own comment. We extend the art form.

We do not ask for complete Federal support, such as in Europe and the Soviet Union, where complete Federal support which is tremendously binding. That is not what we wish. We wish to have stimulation, so that we can extend our tradition, so that we can form a national culture, so that we as a Nation are not embarrassed throughout the world.

I would like to, if I may, spend 30 seconds telling you some stories about freedom that I experienced in the Soviet Union. In 1962, the New York City Ballet was dancing in the Soviet Union. It was

October of 1962, it was the Cuban Missile Crisis. Opening night, nobody applauded. The second night at the Bolshoi, I had the great pleasure of dancing a Balanchine role. When I finished my variation, there were 22 curtain calls and the performance was not allowed to go on until I repeated it.

However, in the midst of all of this, a young Russian boy grabbed me in the wings after the performance. He was clutching something and he thrust it in my hands, and he said, "Please take this, please take this." I was very suspicious because we were surrounded by KGB, but what he showed me was a painting that he had done. I have it with me. I will not bore you with it right now, but it was an abstract painting. In 1962, he was terrified, simply terrified to show it to me. That was his freedom.

In 1972, the New York City Ballet returned to the Soviet Union. There I had another taste of Soviet freedom. There was a 16-year-old boy who wanted to know about American art, and in particular, dance was his great passion. He hung around the company. He watched rehearsals. He drank tea in the canteen with our dancers, and he went to supper and dinner with us. He was warned not to do that. One particular afternoon after rehearsal, the entire theater was surrounded by police in blue and brown uniforms. A huge truck drove up with barred windows. Out of that truck came half a dozen KGB guys with thick necks and black leather coats, pulling on leather gloves. In 5 minutes they came out of that theater with that young boy.

I had nightmares for 2 weeks, just on the expression on that young boy's face. His feet never touched the ground. They got him to the truck. They beat him unmercifully. They threw him in the truck and I watched his body bounce from one end of that truck to the other through those barred windows. That is the extreme form of that sort of freedom.

Artists are seeking truth. They are seeking honesty. They are seeking the betterment of the quality of life within their communities. Differences, yes—but also freedom, passion, and quality—extending what is available. That is truly what this is about, and I thank the NEA for the past 25 years of allowing artists this freedom, for giving us the format to go forward.

[The prepared statement of Mr. Villella follows:]

Prepared Statement of Edward Villella

Mr. Chairman and Distinguished Members of the Committee: The American Arts Alliance wishes to submit this testimony for the record on behalf of reauthorization of the National Endowment for the Arts.

Introduction

The American Arts Alliance is a consortium of more than 350 nonprofit professional performing, exhibiting and presenting arts institutions serving metropolitan, suburban, and rural areas throughout the United States. Large and small, these institutions have joined together under the aegis of the Alliance to address with one voice the needs of art museums, dance and opera companies, choral ensembles, theatres, symphony orchestras, and presenting organizations.

Today the Alliance would like to speak to the need for reauthorization of the National Endowment for the Arts at levels sufficient to sustain the growth of the arts while encouraging the continuing pursuit of artistic excellence. When Congress created the Arts Endowment 25 years ago, it declared:

> That the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

To ensure the integrity of the artistic endeavors to be supported by the Endowments, Congress also stated that:

> In the administration of this subchapter no department agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

We look to Congress to reaffirm the fundamental principle of nonintervention inherent in this mandate. If the National Endowment for the Arts is to continue to be successful, it has to protect artists' rights to engage freely in the creative process.

THE IMPORTANCE OF THE ARTS

The arts are among the greatest of our national treasures. Our country is one in which the quality of life is a source of pride. That quality is determined not only by economic conditions, but by spiritual and aesthetic ones as well. Artistic performances and exhibitions enable us to understand and value the extraordinary diversity—ethnic, racial, religious—that distinguishes the American experience. The music of Aaron Copland, the dances of Alvin Ailey, the paintings of Jacob Lawrence and the plays of Lanford Wilson, in many ways capture the spirit and vitality of American life better than the tomes of formal history.

Rarely do the arts fail to lift our spirits or expand our horizons. By appealing to both our intellect and our senses, the arts enhance our appreciation of our world and ourselves.

It is through the arts that individuals learn to give form and meaning to their identity. Our nation's artists and arts institutions have been entrusted with safeguarding and articulating our national heritage, expressing human truths, and inspiring creativity within new generations of Americans.

Who can better express the value of art than an artist? In 1948 author Marcel Proust wrote,

> "Only through art can we get outside of ourselves and know another's view of the universe which is not the same as ours and see landscapes which would otherwise have remained unknown to us like the landscapes of the moon. Thanks to art, instead of seeing a single world, our own, we see it multiply until we have before us as many worlds as there are original artists . . . And many centuries after their core, whether we call it Rembrandt or Vermeer, is extinguished, they continue to send us their special rays.

These timeless words capture the essence of the importance of art to civilization.

As America takes part in the modern global community, our standing as an international leader is strengthened when the creative forces of our artists touch the lives of people throughout the world. It is worth note that Japan, one of our most highly developed economic and technological competitors, has recently committed Y60 billion (about $420 million) to establish a foundation to promote the arts, including everything from opera and kabuki theater to the traditional fine arts and contemporary art. The Japanese government created the "Japan Art and Culture Foundation" to allay criticism that it spends less money on the arts than its Western counterparts.

THE IMPORTANCE OF UNRESTRICTED FEDERAL ARTS FUNDING

We Americans can be grateful that our government has acknowledged the value of the arts by establishing a Federal agency whose sole purpose is to encourage and support the arts. Without the support structure created in 1965, much of the wealth of artistic activity that enriches our lives would simply not be possible. It is critical to our quality of life that the creativity, imagination, and diversity of expression that have become an integral part of the American landscape remain so.

During the past year serious questions have been raised concerning the future of the National Endowment for the Arts. Much of the debate has centered on whether content restrictions should be placed on Federal funds. In our opinion, to impose such restrictions is antithetical to the American democratic experience.

Americans have long cherished the principle of freedom of expression as an indispensable condition for nearly every other form of freedom. This principle has empowered Americans to test new opinions and court new impressions in the quest for a better society.

Oftentimes, it is the artist who has served as our moral spokesman, testing the boundaries of society. Long before governments around the world posed sanctions on South Africa, nonprofit theatres were dealing with the issue of apartheid. The arts have the unique ability to reveal the many facets of society, good and bad. The arts lead our inquiry into the conflicts in society, and help us to create new paths to resolve those conflicts.

There are many risks inherent in free expression which make it a difficult principle to adopt. Throughout the history of our country, Americans have chosen to embrace this principle in spite of those risks. We have defended this freedom, sharing with our forebears the belief that no minority viewpoint should suffer silence.

If the freedom to express ourselves creatively is worth defending, then it is worth supporting. It is that support at the national level that sets the standard. It assures the means by which all of America's "creators"—its artists—can continue to define our free society.

The freedom of expression supported by the National Endowment for the Arts is paramount to the pursuit of artistic excellence. Like the research and development programs our government supports in other fields, the arts too require a "laboratory" in which to develop and further the cause of creativity and cultural expression. Sometimes experiments fail. But often from the risks taken come exciting, innovative art. We must provide guarantees that despite occasional controversies, artistic risks can be taken without fear that important programs will suffer or that an arts institution or artist will be censured.

TWENTY-FIVE YEARS OF SUCCESS

In the remainder of this testimony we would like to look at the history of the National Endowment for the Arts, and make some recommendations for its future. For a quarter of a century, the Arts Endowment has been in a partnership with other government agencies and the private sector in nurturing the growth of our nation's arts institutions in every part of the country, fostering creativity and excellence in the process. Arts Endowment support has become the imprimatur for other government and private arts funding. With the help of the Endowment, artworks reflective of the multi-cultural fabric that is America have been developed, and made accessible to an ever growing number of citizens. These successes have been predicated on the active involvement of our nation's citizens in the Arts Endowment's decision making process.

Since 1965, we have witnessed an American Renaissance—a harvest of America's unique inheritance of the arts of all nations and of all ages. The success stories of this Renaissance are attributable to the role played by the Endowment in fostering a public/private partnership that embraces American ideals and enhances community life.

GROWTH OF ARTS INSTITUTIONS SINCE 1965

A look at the growth of arts institutions in the United States since 1965 clearly reflects the important effect that modest Federal support via the Arts Endowment has had upon cultural life in this country. In 1965 approximately 56 nonprofit theatres existed in the U.S.; today there are more than 400. Theatres founded since 1965 include the Alabama Shakespeare Festival, Crossroads Theatre Company in New Brunswick, NJ, Minneapolis' Illusion Theatre Company, Repertorio Espanol in New York, Roadside Theatre in Whitesburg, KY, the Shakespeare Theatre at the Folger in Washington, DC, Steppenwolf Theatre Company in Chicago, and Unicorn Theatre in Kansas City, MO. Similar growth took place in the field of dance. There were 37 professional dance companies in 1965, most of them located in New York City today there are 250 companies nationwide. In this country where there was one full-time professional chorus in 1965, there are now 57.

The growth of art museums in the United States has been dramatic. More than one-third of a national sample of art museums have been founded since 1960. In fact, on the average, 11 new museums are established each year. The attendance at art museums has grown steadily as well. There were approximately 20 million art museum visitors in 1965. This number has grown to over 40 million visitors annually. The most recent survey of the museum field, revealed that America boasts 600 art museums while another 325 museums have substantial art collections.

The opera world has truly come into its own over the past quarter century. Since 1965, the number of professional companies has more than doubled, from 45 companies to over 100 in 1990. Likewise the audience size and the number of productions and performances staged by opera companies has increased dramatically. Compared with a decade ago, opera audiences have expanded by thirteen percent to over 6.3 million. During the same period, the number of performances has increased by fifty percent.

Although the most significant growth in the number of American orchestras took place before the creation of the Arts Endowment, the past two decades have seen tremendous improvement in the quality and professionalism of these orchestras. As the number and variety of performances have increased, so has the number of artists employed on a regular basis. In the first full year of orchestra panel operations in 1971, 75 orchestras were eligible for funding by virtue of their professionalism, quality, and scope of activity. In 1989, 179 orchestras successfully applied for Arts Endowment funding.

Performing arts presenters are also an essential component in the effort to provide high-quality performing arts programs to people in all parts of the United States. In 1965 presenting was primarily a function of colleges and universities, who served the campus, and independent impresarios, who toured performing companies to small city networks. At that time, there were under 400 presenters in existence. Today there are more than one thousand nonprofit presenters—performing art centers, festivals, civic centers, colleges and universities, independent nonprofits, arts councils, and alternative spaces—serving communities throughout the country.

FOCUSING ON EXCELLENCE AND CREATIVITY

The hallmark of our nation's arts institutions is their dedication to quality programming; programming that preserves the classics, as well as programming that develops new repertoire. That quality is underscored and rewarded by the Arts Endowment's emphasis on excellence in the awarding of its grants.

Performances and exhibitions of new work are of infinite value as revitalizing forces. America's arts institutions, with the assistance of the National Endowment for the Arts, produce and present promising new work in an effort to address contemporary society, as well as inspire the growth of the various art forms. It is in new work that our own era is being recorded for posterity.

In the field of opera, companies are advancing new traditions by commissioning and performing new works by American composers. The world premiere of Rachel by the Knoxville Opera in April 1989 explored the controversial marriage between President Andrew Jackson and Rachel Donelson. Both the music and libretto were written by Tennessee natives, Kenton Coe and Anne Howard Bailey. The opera was well received by the press and set new attendance and ticket sales records for the company. Funding was received not only from the Arts Endowment and OPERA America, but also from State arts agencies I private foundations, and corporations.

The Madison Civic Center in Wisconsin is a leader in the field of presenting organizations. The Civic Center is a participant in a consortium which includes the University of California, Berkeley, the University of Massachusetts, and Dartmouth College. This consortium is supporting the creation of a new work by Merce Cunningham. This year the Madison Civic Center is also commissioning a new work from jazz musician and composer Billy Taylor to be performed by the Billy Taylor Trio and the Juilliard String Quartet.

Every Pulitzer-Prize winning play since 1976 received its premiere professional production at a nonprofit theatre, illustrating the resident theatre's important role in the development of new plays and playwrights:

1976—*A Chorus Line*, New York Shakespeare Festival
1977—*The Shadow Box*, Mark Taper Forum, Los Angeles
1978—*The Gin Game*, Actors Theatre of Louisville
1979—*Buried Child*, The Magic Theatre, San Francisco
1980—*Talley's Folly*, Circle Repertory Company; New York
1981—*Crimes of the Heart*, Actors Theatre of Louisville
1982—*A Soldier's Play*, Negro Ensemble Company, New York
1983—*'Night Mother*, American Repertory Theatre, Cambridge, Massachusetts
1984—*Glengarry Glen Ross*, Goodman Theatre, Chicago
1985—*Sunday in the Park With George*, Playwrights Horizons, New York
1986—No award
1987—*Fences*, Yale Repertory Company
1988—*Driving Miss Daisy*, Playwrights Horizons (also nominated for 9 Academy Awards)
1989—*The Heidi Chronicles*, Playwrights Horizons

Nonprofit theatres in the United States have been able to produce important contemporary plays and communicate a broad range of ideas because of a freedom of expression not experienced in many other parts of the world. For example, Vaclav Havel's plays were regularly seen in this country, especially at the New York Shakespeare Festival, when they were barred from production in his homeland Czechoslovakia.

To celebrate the centennial of the State of Montana, the Billings Symphony Orchestra programmed at least one work by a Montana composer on each of its subscription concerts during the 1988-89 season. During that season the Billings Symphony also produced its first recording of Walter Piston's Clarinet Concerto, the only extant recording of this distinguished American work.

The Arts Endowment has also been instrumental in efforts to preserve outstanding contemporary work. For example, in 1987 the Alvin Ailey American Dance Theatre received a special project grant from the Arts Endowment to premiere a full evening revival of the works of Black American choreographer Katherine Dunham. This three-act retrospective of Hiss Dunham's work, fully supervised by the choreographer with the assistance of a number of her dancers, included the reconstruction of sets and costumes' plus the revival of original music. The largest retrospective of Miss Dunham's works ever undertaken by a major professional dance company, *The Magic of Katherine Dunham* toured in several American cities after its premiere at New York's City Center and was documented for archival purposes by the Dance Collection of the New York Public Library at Lincoln Center.

We have just touched on some of the new work that is being developed. Now we would like to glance at a few examples of how institutions are preserving the rich legacy of artistic tradition. Often the new and old are combined so that audiences may fully experience the scope of the art form.

The Saint Louis Symphony, now in its 110th season, continues to exhibit the highest standards of excellence in traditional repertoire, while serving as a leading force for the exposure of music to our time. Music director Leonard Slatkin has embraced the work of the orchestra's composers in residence, fostering worldwide exposure for their music on domestic and foreign tours. In 1989 the orchestra signed a five-year exclusive recording contract calling for 30 discs which will combine the music of Shostokovich, Tchaikovsky, and Mahler with that of Roy Harris, Charles Ives, Aaron Copland, and John Corigliano.

In 1985, Ballet West of Salt Lake City, UT, undertook the task of reviving a "lost" work, August Bournonville's 19th century full-length ballet *Abdallah*. Under the direction of then-Artistic Director Bruce Marks and Company Teacher Toni Lander, this work was reconstructed with the assistance of participants from Copenhagen and the Royal Danish Ballet. *Abdallah*, revived with support from the National Endowment for the Arts and other sources, was deemed so successful that the Royal Danish Ballet invited Mr. Marks to restage the work at that company a year later.

Artists possess the invaluable talent to breathe life into the work of authors who may have lived centuries ago. Recent productions at the Goodman Theatre in Chicago, IL, include Feydeau's classic French farce *A Flea in Her Ear*, Gogol's *The Government Inspector*, Shakespeare's *Romeo and Juliet*, *The Winter's Tale* and *The Tempest*, Moliere's *The Misanthrone* and the American musical classic *Pal Joey*. "Our goal is to infuse the classics with the energy usually reserved for new works . . ." says Goodman Theatre artistic director Robert Falls.

INTERNATIONAL RECOGNITION OF AFRICAN ARTISTIC SUCCESS

The excellence that is exemplified by our country's arts institutions is recognized internationally and contributes to the perception of the United States as a world leader. America's artists serve as virtual ambassadors to foreign nations, and provide an unrivaled opportunity for communication that crosses all national boundaries.

Since *glasnost* and *perestroika* have opened Soviet borders to Western art, a flood of invitations have been issued to dance companies in the United States. The San Francisco-based Margaret Jenkins Dance Company had the particular honor of introducing the Soviets to post-modern dance, a form with which most Soviets are unfamiliar. During their ten performances in the Soviet Union, Jenkins and her company danced for 25,000 people. The company toured not only the major cities of Leningrad and Moscow, but also Vilnius, the capitol of Lithuania. Jenkins's work was greeted with curiosity and excitement; she was frequently and exhaustively interviewed for television and newspapers about her life, work and philosophy.

While the largest of American orchestras frequently take the limelight in international overtures—the Boston Symphony led the way to China and the Pittsburgh

Symphony opened new ventures to Poland—the Baltimore Symphony, in 1987, broke through the Iron Curtain to become the first American orchestra to perform in the Soviet Union since the Cold War. In addition to classics of the standard repertoire, the orchestra scored a triumph with performances of Christopher Rouse's *Bump'*, a work commissioned by the orchestra.

Houston Grand Opera toured their mainstage production of *Show Boat* to Cairo as the official representative of the United States for the gala premiere season of the new Cairo National Culture Centre's Opera House in March 1989. The company was selected by the United States Information Agency and invited by Egypt's Minister of Culture.

In the field of professional theater, American Repertory Theatre (A.R.T.), in Cambridge, Massachusetts, has toured extensively throughout Europe and Asia, with financial support from the Endowment. In 1986 the theatre's production of Robert Wilson's *Alcestis* opened the Festival D'Automne in Paris, France. A.R.T., which was founded after 1965, was the first resident American theatre company to be invited to perform at this festival, which is regarded as the most prestigious major metropolitan arts festival on the European continent. In 1988, A.R.T. productions of Pirandello's *Six Characters in Search of an Author*, adapted and directed by artistic director Robert Brustein, and Gozzi's *King Stag*, directed by Andrei Serban, received standing ovations and rave reviews at the famed Teatro Espanol in Madrid, Spain. *King Stag* will also tour Tokyo, Japan this June, again with partial funding from the National Endowment for the Arts.

SUPPORTING CAREER DEVELOPMENT

Arts Endowment initiatives are responsible for not only the production and exhibition of much lauded art works, but for the advancement of personnel behind the scenes as well. Without the support of the Endowment in all aspects of a production, the international acclaim that many art works and productions attain simply would not be possible. Endowment grants have nurtured the development of artists and administrators, lending support at critical junctures in their careers.

Continual Arts Endowment support has gone to the American Symphony Orchestra League's Orchestra Management Fellowship Program which provides a unique high-quality training program for prospective orchestra managers. Past participants in the program have gained the knowledge, practical experience and contacts in the field that they need to become effective administrators. Graduates of the program hold positions in symphony orchestras around the country, including: Baton Rouge Symphony, Evansville (IN) Philharmonic, Minnesota Orchestra, San Francisco Symphony, Shreveport Symphony, and Tulsa Philharmonic. The Affiliate Artists Conductors Program is another successful Endowment-backed apprenticeship program, designed to prepare young conductors to become music directors.

The Theatre Communications Group/National Endowment for the Arts Director Fellows program was initiated in response to the unique problems facing today's freelance theatre directors. In the three completed cycles of the program panels of professional directors have identified and awarded eighteen $15,000 grants to early-career directors from a group of 664 applicants. The Director Fellows Program expands the artistic horizons of these young artists and prepares them for future positions of leadership, as well as demonstrating to the field that it must share the responsibility for nurturing the next generation of theatre artists.

The Theatre Communications Group/National Endowment for the Arts Stage Designer Fellows Program, the first of its kind for designers, is currently being launched. The program will provide opportunities for grant recipients to work with senior designers in collaboration with directors and other artists such as dramaturgs, choreographers and musicians. Long-term interdisciplinary relationships may also be encouraged by allowing Designer Fellows to work in residence with Director Fellows.

With support from the National Endowment for the Arts and significant funding from the Ford Foundation, The Carlisle Project, a year-round program of choreography workshops, choreographer fellowships, and informal showcases devoted to the development of choreographers in the ballet field, is now in its fifth year of operation. The program, based in Carlisle, Pennsylvania under the direction of Barbara Weisberger, provides opportunities for choreographers to create studies and new works as well as take classes focusing on a wide range of styles and topics including special music workshops, ballroom dance, and ethnic dance forms.

REACHING NEW AUDIENCES

In addition to the performances and exhibits at their facilities, arts institutions provide many outreach programs touching the lives of people across America who would not ordinarily be exposed to the arts. Public appreciation is growing each year as arts groups reach more Americans who have never attended a performance or exhibition. Endowment funds have provided for touring of dance companies to rural areas, chamber music recitals at lunchtime in downtown parks, and travelling exhibitions of paintings, to name but a few. In so many examples of arts institutions that benefit from support of the National Endowment for the Arts, we can see efforts being made to create new audiences. Following are just three examples that illustrate the attempts arts institutions are making to reach out to various segments of the American public.

OPERA America and very Special Arts provided $1,000 in seed money to Opera Pacific in May 1988 to initiate Opera for All, a program of workshops and performances of children's operas for mentally-challenged elementary students. The program was designed to provide these special youngsters with an opportunity to become familiar with the elements of opera and musical theater and to participate actively in singing and body movement. Over a two year period, 350 children participated. The project was so successful that Opera Pacific recently received $5,000 in funding from a private foundation to repeat the program for a third year.

The Mississippi Museum of Art received a $500,000 grant to support the implementation of a satellite gallery system throughout the State of Mississippi. The planning phase demonstrated the need and feasibility of a statewide exhibition program. The satellite galleries will offer year round 'exhibition programs and educational offerings such as lectures, films, seminars and workshops. They will provide visual arts programs to areas previously devoid of such resources and should serve as models for additional galleries planned for the future. This program will increase access to the museum's permanent collection.

The Dance Exchange, founded in Washington, DC by choreographer Liz Lerman in 1976, is based on the belief that excellence and community involvement are equal and inseparable concerns. Both Liz Lerman/Exchange, Lerman's mixed age company, and Dancers of the Third Age, her all senior citizen company, have performed in a wide variety of locations worldwide. Dance Exchange works primarily in a residency format, coming into a community for at least a week, working with special populations in the community—elementary schools, colleges, hospitals, shelters and senior centers—and incorporating members of those populations into performances.

PROMOTING CULTURAL DIVERSITY

Promoting cultural diversity in both programming and audience composition is a goal shared by the Arts Endowment and arts institutions. Many Endowment initiatives have helped spur. special projects in these areas.

To identify, cultivate, and serve its African-American community, the Syracuse Symphony launched Project 2000 in 1987. Funded initially by a one-year grant from the Arts Endowment and a two-year grant from the New York State Council on the Arts, Project 2000 has been led by a community task force that directs its focus appropriately. Programs from all spheres of the orchestra's activities—classics, pops, and ensemble concerts—have been incorporated into Project 2000, along with specially produced concerts calling on African-American popular traditions, such as jazz and gospel.

The success of the program has been measured both by the overall endorsement of the Syracuse Symphony program by leaders of the African-American community, as well as by numbers: the audience for this series was approximately 55 percent African-American, and program staff has noted a dramatic increase in African-American attendance at other concerts. The orchestra plans to continue the program using general orchestra funds as well as special corporate and foundation support.

A recent example of the Arts Endowments partnership in promoting cultural diversity is its award of a $1 million Challenge Grant to Arena Stage in Washington, DC. This stipend will support the theatre's proposed long-term program to increase multi-cultural representation on its stages, in the audience and among theatre personnel. The grant and matching funds will support a four-year, five-part program to increase Arena Stage's artistic staff and acting company, produce and develop the work of playwrights from minority cultures, explore further the benefits of non-traditional casting, support the on-going work of African-American artistic associate Tazewell Thompson, and launch the Allen Lee Hughes Fellows Program to attract and train ethnically diverse young people for administrative, technical and artistic careers in the theatre.

Among the ways that the American arts community and the Arts Endowment are helping to preserve the culture of Native Americans is with support for the American Indian Dance Theater. Founded in 1985, it is the first professional company of dancers and musicians from a number of Native American tribes doing both traditional work and new creations in theatrical venues. They started active performing and touring in 1987, and have toured very successfully throughout the United States and internationally, in venues as varied as Parisian nightclubs and the Northrop Auditorium at the University of Minnesota. Residency activities. developed by numerous sponsors of the American Indian Dance Theater have included the involvement of Native Americans in many of the communities where the company performs. The company was recently presented on the public television program "Dance in America" and received its first company grant from the Arts Endowment's Dance Program.

An Arts Endowment initiative begun in 1989 that is having a major impact on the promotion of cultural diversity in the presenting field is Partnerships in Touring and Commissioning in the Inter-Arts program. Developed to address issues of creativity and access, this is a two part initiative which supports the commissioning of new work and the development of model alternative touring mechanisms to improve the performance opportunities for artists engaged in experimental or multicultural work. The consortium approach to many of the projects has brought work to communities throughout the country. Examples of projects funded over the past two years include:

> Consortium of Artistas del Norte—a tour of Los Nuevos Maromeros, a series of Latin American cultural festivals, throughout New Mexico and Arizona;
>
> The American Festival—a consortium including presenters in Whitesburg, KY, New Orleans, Philadelphia, San Antonio, and Ithaca, NY, which will support the creation and presentation of a multi-cultural festival; and
>
> The National Performance Network—a consortium of approximately 20 contemporary presenters throughout the country to support one and two week residencies of artists throughout the country. It is important to note that Network guidelines limit the number of New York artists which can tour on this program.

Partnerships in Touring and Commissioning has increased the support for the creation of new work by presenters from many parts of the country. It has also taken a leadership position in supporting multi-cultural and cross-cultural projects and improved access to new and experimental work. In general it has caused presenters to give serious attention to artistic direction and to devote more of their institutional budgets to the support of artists' creativity.

Another illustration of the Endowment's support of cultural diversity is the recent exhibit *Hispanic Art in the United States*, which was shown at the Museum of Fine Arts, Houston; The Corcoran Gallery of Art in Washington, DC; the Lowe Art Museum, University of Miami; the Los Angeles County Museum of Art; and the Brooklyn Museum. In addition to providing recognition for previously ignored artists of superb talent the exhibition received enthusiastic support from ethnic communities not previously involved with many of these art museums.

NURTURING A PUBLIC/PRIVATE PARTNERSHIP

As Americans, we value our pluralistic society, and we do so with good reason. Pluralism is a formidable bulwark against tyranny. No one group, whether possessed of an ideological, political, ethnic, racial, sexual or religious identity, can gain control over society, politics or culture. Pluralism is also a primary guarantor of artistic freedom. No single source of funds can determine what artists should think or do. A philosophy rooted in pluralism encourages the many voices of our culture to be heard, while the practical partnership of diverse sources of money helps keep the sights of arts organizations high by dispensing financial support based on qualitative, competitive review.

Over and over again, the National Endowment for the Arts enables the nation's arts institutions to gain the support of other government agencies and the private sector. Every dollar that the Arts Endowment invests in our arts institutions, is a dollar that is matched with money from the local communities. Local government and business are made integral parts of this public/private partnership.

The three-to-one match requirement associated with the Challenge grant program and Treasury funded components of other grants, in some instances, provides important support for the recipient along with a useful combination of official recognition for its activities and leverage for encouraging new or expanded outside funding support.

By making a small investment in the arts, the Federal Government is encouraging expanded private sponsorship. Consider the precedent set by The Dance Project, an eight-part television series exploring the role of dance in world culture, which is a production of WNET/13, a New York public television station. Not only was Arts Endowment support critical in the research and development of this series, but a $750,000 Challenge Grant awarded to the project in 1988 will help WNET to raise $3 million of the estimated 55 million to be raised for the project in the United States.

Endowment funds form part of an international public/private partnership supporting this important program. Other major U.S. funding for The Dance Project will be provided by the Ford Foundation ($500,000), the Rockefeller Foundation ($250,000), the National Endowment for the Humanities ($450,000), the Corporation for Public Broadcasting ($1 million), and the Public Broadcasting System ($1 million). International co-producers are the BBC ($700,000; United Kingdom) and RM Associates ($1.75 million; Germany and the United Kingdom). A $750,000 investment that spurs this type of additional investment simply makes good sense.

STRENGTH OF THE ARTS ENDOWMENT'S DECISIONMAKING PROCESS

The cornerstone of the success of the National Endowment for the Arts has been its decisionmaking process. This process has involved the active participation of informed citizens from a wide range of backgrounds and geographic areas on both the peer panels and on the National Council for the Arts.

In fact, Congress, in 1985, included language in its reauthorization bill that outlines the qualifications necessary for well-rounded panel composition. The legislation states that the chairman of the Arts Endowment "shall appoint individuals who have exhibited expertise and leadership in the field under review, who broadly represent diverse aesthetic or humanistic perspective, and geographical factors, and who broadly represent cultural diversity."

The multiplicity of views held by Americans are represented by the more than eight hundred individuals participating yearly in the dialogue that takes place during the review of grant applications. Arts Endowment Chairman John Frohnmayer has likened peer panels to the function of a jury in our judicial system. The peer panel system is the most fair and judicious means for carrying out the Endowment's goals.

The panels, together with the National Council on the Arts, bear the principal responsibility for making qualitative judgments and recommendations on the merits of grant applications. The twenty-six presidentially-appointed members of the National Council of the Arts are entrusted with the task of reviewing panel evaluations to provide final recommendations to the Chairman. Equally important is their role as advisors to the Chairman on questions of public arts policy. Bringing to the table their experience in the arts as artists, administrators, and patrons, these distinguished citizens are in a unique position to engage in a dialogue that has wide ranging cultural implications.

THE FUTURE OF THE ENDOWMENT

Mr. Chairman and distinguished Members of the Committee: As we look to the future of the National Endowment for the Arts and opportunities to improve its effectiveness, we have three recommendations for your consideration. First, to strengthen the peer panel review and grantmaking processes, we would like to propose that multi-year funding be considered as an alternative to the annual grantmaking procedures now in place. Second, in the interests of increasing the availability and appreciation of the arts in this country, we recommend that a new title be included in the authorization legislation that would emphasize availability and expanded arts education programs. Finally, we propose that funding of the National Endowment for the Arts be increased to levels sufficient to sustain present programs as well as the new title.

MULTI-YEAR FUNDING

Multi-year funding would greatly assist both the Arts Endowment and its grantees. One of the important benefits of the multi-year funding process would be its reinforcement of the qualitative review by peer panels. It would allow for better onsite reviews of performing groups—covering more productions at each theatre for the same cost, for example. It may also address the problem posed by the time-consuming and exhaustive process of review for each yearly grant that discourages so many qualified panelists. By focusing on substantive matters and reducing the necessary time commitment the Endowment would ensure the involvement of the highest caliber of panelists.

The most obvious benefit to grantees would be the stability in knowing that their funding would be renewed over two or even three years. Such stability would allow institutions to better utilize their scarce resources. From the administrative perspective, this translates to fewer hours devoted to filling out annual grant applications, and in turn would allow grantees to turn their attention to the development of new sources of funds. As private foundations increasingly give their dollars to specific projects rather than to general operating expenses, this type of Endowment support becomes evermore important.

More importantly, the stability provided by multi-year support would allow more room for setting artistic priorities. Arts institutions are crippled by the reality of having long-range plans tied to short-range funding cycles. For instance, an opera company must make commitments years in advance if it is to obtain the work, the artists, and the sets, needed to mount a top flight production. If guaranteed a certain level of support for a specific period of time, a company will have a greater opportunity to commit itself to the production of masterful artistic endeavors.

Rather than making yearly applications for support, grantees apply for two- or three-year grants, at which time comprehensive reviews would take place. A multi-year grant would then be awarded in the form of an annual contract with funding in the second or third year dependent on receipt of each year's final report. A mechanism to allow for fluctuation in appropriations would have to be included.

Ongoing communication between applicants receiving support and the granting agency would be a necessary component of multi-year funding. In addition, criteria would need to be established in the event that changes in leadership or level of activity indicate the need for reconsideration.

Multi-year funding has been implemented successfully at the State level. In New York, for example, all organizations eligible for general operating support are eligible for multi-year support from the New York State Council for the Arts. In its guidelines for applicants, the Council makes clear that it has the right to award support for fewer than the years requested. Also, its individual programs delineate what requests an organization may make, if they are in addition to requests for multi-year support.

A New Title for Availability and Education

It is clear that Americans seek the creative arts as a stimulus to their own growth and development. With this in mind, the American Arts Alliance recommends the expansion of the National Foundation on the Arts and Humanities Act of 1965 to include a new title that would provide funds to the discipline programs for expanded educational opportunities and availability in the arts.

The purpose of the Act specifically states: "That democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds and wherever located masters of their technology and not its unthinking servant." While a number of Endowment-supported programs serve this purpose, it is clear that additional efforts must be made in order for the Endowment to realize fully its goals.

Since its founding, the Arts Endowment has worked with arts institutions to see that programs are developed to provide arts education to people of all ages, and to encourage greater access to expanded segments of the American population as well as to nations abroad. Many of the examples cited earlier in this testimony reveal the effects of those efforts. However, the modest level of Endowment funding has limited the scope of these ventures. As a result, a relatively small number of citizens have the benefit of these superb programs.

First, let's explore the area of arts education. The best possible arts education relies heavily upon wide exposure to the arts. Simultaneously, to appreciate fully the broad range of artistic expression in society, well-honed knowledge of the arts is essential.

In today's society arts education is very often thought of as expendable, particularly when fiduciary concerns force efforts to streamline elementary, secondary and continuing education curriculums. That arts in education should fall by the wayside is a tragedy, primarily when the arts provide the means to stimulate individuals of any age to higher achievement, and not merely artistic achievement. Obviously arts education in some form may open the door to students interested in artistic careers.

But of even greater importance is the ability of an education in the arts to aid in the understanding of our culturally diverse society. Through the arts, individuals gain a sense of their heritage, within the context of the experiences and values of other cultures present both in their communities and in other parts of the world.

Look at one of the success stories that demonstrates exactly what support from the National Endowment for the Arts can do: Adventures in Music (AIM), a program of the San Francisco Symphony, is an innovative, community-oriented orchestra education program for school children. This program is offered free of charge to fourth and fifth grade classes in every San Francisco public school (87 percent of whom represent ethnic minorities) and to some private parochial schools. Each participating class receives specially prepared classroom lessons, three professional multi-cultural in-school performances, and a trip to a special concert in Symphony Hall. Symphony performances have included music of Mexico, Japan, Europe, and America; in-school presentations have featured Latin percussion, American Jazz, Classical Indian Music, Chinese Dance, and Pan-Asian storytelling. The program is designed so that students can learn about many cultures and people6 while discovering their own city and neighbors.

The Arts Endowment awarded the San Francisco Symphony a $1 million Challenge III grant to help build a permanent endowment for this program. Two days after the grant was announced the Symphony received a $20,000 unsolicited gift toward the match from an individual and an offer to hold a special fundraising event from a local department store. This one grant has paved the way to broadening community support for a program that enhances children's education, that highlights cultural diversity and helps to ensure that the entire community may continue to enjoy these benefits.

Americans support the idea that education does not stop upon school graduation—the same is true of arts education. The lives of older Americans are greatly enriched by continuing education classes in the arts that give them the opportunity to look at the world in a new perspective.

Just as an education in the arts should be available to Americans of all ages, artistic performances and exhibitions should reach out to every area of the United States, and beyond. In each of the artistic fields, there are programs to expand the availability of the arts performed and exhibited. While we see gaps growing between the many extraordinarily diverse cultures struggling to work together in our society, we find that there are not nearly enough of these outstanding programs. At the same time we have new responsibilities to the global community, which can only be met if international touring and exchange receives Federal support.

Look at just one example of an effort to make theater available to a new audience. The Arts Endowment is a supporter of Roadside Theater. Based in the Appalachian coal mining community of Whitesburg, Kentucky, Roadside Theater is an ensemble of artists, most of whom grew up in Appalachia, performing original plays about the region. The company has developed its theatrical style from its local heritage of storytelling, mountain music and oral history. The theater tours year-round, both within and outside the Appalachian mountain region, performing both for traditional theater audiences and for people who usually do not have access to professional theater.

Performance and exhibition touring is one of the linchpins to making the arts accessible to new audiences. Through its Pueblo Opera program, the Santa Fe Opera has similarly reached a significant percentage of New Mexico's Spanish and American Indian populations over the last decade by bringing opera to the Pueblos and by bringing the children of the Pueblos to the Santa Fe Opera.

There are urban and suburban areas of the country, as equally cut off from the arts as rural areas. Now in its third year, the Toledo Symphony's ongoing "Neighborhood Concerts" series is designed to bring music to diverse inner-city communities. Performing at selected churches, community centers, and factories, these full-orchestra productions combine the familiar with the new, often combing cultural elements related to a particular community—i.e., orchestral renditions of traditional songs for the Hispanic and African-American communities.

Funding Levels

To provide adequate support to the National Endowment for the Arts' vital programs, Congress needs to increase funding. This year the Arts Endowment budget if $171.255 million. The Administration, in its FY 1991 budget has recommended $175 million for next year. To fund the Arts Endowment at levels equal to the FY 1981 levels adjusted for the rate of inflation,[1] $238 million would be needed in FY 1991.

We recommend that funding for the National Endowment of the Arts FY 1991 be set at $268 million—$238 million for current programs, and $30 million for the new title—with such sums as may be necessary thereafter.

CONCLUSION

When Congress established the National Endowment for the Arts in 1965, it told the country that the arts are a vital part of our national well-being and enrich our spiritual, intellectual and emotional lives. Our request for reauthorization is made in the interest of continuing the Endowment's mission, without restrictions, thus enabling it to move forward in its third decade. We look forward to working with the members of the committee in making this future possible.

Senator PELL. Thank you very much, Mr. Villella, and thank you too for your service on NEA's Council of the Arts.

Mr. Nyerges.

Mr. NYERGES. Thank you very much. It is a pleasure to be here. I am not going to dwell on the controversy that we have all heard far too much about. I think it is regrettable that the efforts of this panel and the Congress as a whole will spend too much time on issues that are not necessarily germane to the whole. Talk about the 85,000 grants and that is what we really should concentrate on. Such a small percentage of controversial works that it is not necessarily relevant to it all.

It overshadows an exemplary record that the NEA has provided in the last 25 years. The NEA is important to a number of things for our American art scene. First of all, they provide a catalyst of private support. Without that private support, the arts would not exist, but without the catalyst from the NEA, we could not generate the kind of support we need to provide a culturally aware and literate society.

They also provide a very important stamp of approval. Sometimes the money is not nearly as important as that stamp of approval. That stamp means credibility in a society that does not necessarily embrace arts the way it should. But the NEA can provide us with the stamp that says, you folks are doing a good job, an exemplary job, and we think you need to be funded for it. Now whether that is for controversial art or noncontroversial or in Senator Pell's case, representational versus abstract, it is all very important because it is to the point of excellent in the arts.

A couple of things that are of particular interest to Mississippi, as well as the whole country, I believe, are the NEA's emphasis on multicultural diversity. In the State of Mississippi more than half of our population is black. The NEA has made a concerted effort to reach out to not only minorities of racial origin, but also ethnic minorities. It is important that that record be recognized.

Rural access is important. In a State like Mississippi where there is only one city of greater than 40,000 people out of a State of two and a half million, they have recognized the need to provide the arts out into the areas that are in urban centers. Even Jackson is less than a half a million people.

And of course probably of special interest to this committee is its part in sponsoring art education. Art education is one of the fundamental "R's." We talked about, when I was growing up, reading, writing, and arithmetic. Art is as important to our education and our fulfillment as human being as any of the other three.

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[1] Rate of inflation according to the Bureau of Labor Statistics.

Senator Cochran mentioned previously that we have done an exemplary job, and we certainly appreciate his comments. Because of the NEA's existence and because of their emphasis on rural access and art education, we have taken over the last 4 years significant strives in creating what we consider to be an innovative program. but answering a particular need in the State of Mississippi.

Before 1978, when the Mississippi Museum of Art opened, there was only one professional full time art museum in the entire State serving more than two million people. In 1987, the NEA granted us a $25,000 planning grant to determine the feasibility of establishing a state-wide branch network. That feasibility study was overwhelmingly successful and positive.

The NEA came back in a separate granting process, provided us $121,000 to implement those branch galleries, and we were implementing three model branches in Hattiesburg, Tupelo, Mississippi, and also on the Mississippi Gulf Coast in Biloxi, Mississippi. That first branch opened in May of 1989 and has been enormously successful. It is providing access to children who would not be able to go to an art museum. It is providing access to adults, ethnic minorities, racial minorities, and the entire population, an opportunity they would not have if they want to stay in their area and stay in the State of Mississippi.

Recently in December, the Challenge Grant program provided the branch program with a $500,000 Challenge Grant to permanently establish and endow our efforts and to branch out in additional area of Mississippi. These are examples of what the NEA has done. That kind of investment—that $700,000 has stimulated an $8 million endeavor that the Museum has undertaken to improve art education, to improve outreach to those folks in Mississippi that do not have access to the arts in cities like Washington and New York and other areas of our country. And the NEA has made a commitment, has demonstrated that not only in our State, but in every State of the Union and the territories that are funded by the NEA, and that has been an important testimony to what has happened in the last 25 years.

I thank you for your commitment and I certainly have enjoyed the comments from this committee. I think it is wonderful that you are as supportive as you have been. And I also want to put in a thanks to the President for his recent support of the NEA. I think that has been critical in our endeavor, and I ask that you recommend obviously the reauthorization of the Endowment, and also without the restrictions that have been so binding this past year.

[The prepared statement of Mr. Nyerges follows:]

PREPARED STATEMENT OF ALEXANDER LEE NYERGES

Mr. Chairman and Distinguished Members of the Committee: I am Alexander Lee Nyerges, Executive Director of the Mississippi Museum of Art. It is a pleasure, honor and privilege to provide you this testimony on the reauthorization of the National Endowment for the Arts (NEA).

I appear before you on behalf of the American Association of Museums (AAM) a national professional organization representing 8,000 individuals and more than

2,300 art, science, history, and other museums including zoological parks and gardens. Museums are the caretakers of our society's cultural artifacts. Art museums, such are ours in Mississippi, are guided by a mission to collect, preserve and exhibit art that provides a valuable record for present and future generations to enjoy. Paintings, sculpture, drawings and other examples of our creative genius are safeguarded by our museums to provide an educational resource to our communities that is a perfect complement to classroom experience and to provide a life-long learning opportunity—an opportunity that is open to all Americans. Art is the fourth "r" which should be added to the traditional core subjects of reading, writing, and arithmetic.

SUMMARY

During the 25 years the NEA has existed, this agency has compiled an exemplary record in nurturing, supporting and developing the arts in this country. Music, dance, theater, and the visual arts all have been beneficiaries of the leadership and support provided by the NEA.

It is because of this tremendous success that I ask you to support the reauthorization of the National Endowment for the Arts. Furthermore, I ask you to support the reauthorization with the enabling language that has guided the Endowment for the past quarter of a century. Reiterating what President Bush requested last week, the NEA should be reauthorized without the restrictive language that was added last summer to NEA's FY 1990 appropriations.

In the words of the original statement of purpose for the NEA, I quote:

> "We must exercise care to preserve and improve the environment in which the arts have flourished. We must not, under any circumstances, impose a single aesthetic standard or attempt to direct artistic content."

Now, more than ever, we must preserve the freedom that has been a hallmark of the American system, a model which the world has embraced, most recently by the people of Eastern Europe.

THE NEA—A VITAL AGENCY

Before the NEA was created in 1965, America's arts were in their infancy. The number of citizens who had close and convenient access to an art museum, symphonic performance, opera, dance recital or other cultural offering was extremely limited. In 1965, Mississippi was home to fewer than a dozen arts organizations, almost all located in Jackson, the state's capital. Today, many small towns and hamlets in Mississippi proudly support the arts through more than 150 arts groups. Thanks largely to the dynamic and positive force the NEA has provided, America has experienced a renaissance for the arts during the past 25 years. With the existence of a strong and directed NEA this renaissance will continue.

The NEA is valuable to America and its cultural institutions for many reasons. The NEA provides:

a catalyst for private sector support of the arts. Matching funds, which range from a 1:1 match to as much as 5:1, stimulate the growth of private sector support from businesses and corporations, private foundations, individuals and local and State government for art museums such as ours in Mississippi;

a stamp of approval for excellence, innovation, and creative expression;

promotion of multi-cultural diversity through programs, exhibits, lectures and other offerings that stress and emphasize the diverse cultural background of the American people. Minority constituencies, including black, ethnic and other audiences, have been the beneficiaries of an Endowment that places value on the broad American artistic experience;

access for rural areas; the urban areas in this country have long had greater access to the arts. Because of the NEA's progressive attitude and its interest in providing the arts for all Americans, rural areas have seen a blossoming of the arts scene that otherwise would have been impossible; through its many programs, including the State Program that supports State arts councils, the NEA has spread funding to nearly every corner of this country. The NEA's commitment to rural regions continues to grow; and

art education resources, providing access to countless school children in public and private schools alike. With the declining number of art programs and teachers in our schools, the NEA has helped to fill a growing void and a desperate need in our fight against cultural and visual illiteracy.

THE NEA AND MISSISSIPPI

Mississippi is poor and largely rural. The state's per capita income is among the lowest in the nation. Only one city, the State capital, Jackson, has a population greater than 50,000. And Jackson is home to only 200,000 people, 400,000 if you measure the greater metropolitan area. Support from the Federal Government is particularly important to Mississippi because of its limited resources and small, geographically separated population. The NEA has provided needed support of the arts through both direct grants to organizations such as the Mississippi Museum of Art and through grants to the Mississippi Arts Commission, which are then channeled to dozens of diverse, small arts' groups, many run entirely by volunteers.

The Mississippi Museum of Art (MMA) is the state's largest arts organization and until recently, one of only two full-time professionalmuseums of art in the entire state. Prior to 1978 when the MMA first opened 1. to the public, only one art museum operated in Mississippi, leaving the State with limited access to the arts for more than two million State citizens, young and old. Since 1978, the MMA has been visited by more than one million people and continues to serve an ever-broadening audience.

The Mississippi Museum of Art is dedicated to serving the people of Mississippi with the highest quality educational programs in the visual arts including exhibitions, classes, workshops, lectures, tours, festivals and a multitude of other offerings. Today, more than 100,000 Mississippians annually, including some 45,000 school children, participate in this wide variety of programs.

A large portion of the credit for the success of the Mississippi Museum of Art can be given to the National Endowment for the Arts. From the time it was an emerging museum in the late 1970s to the present day, the MMA has been supported by the NEA through grants for special exhibitions, education programs, and special initiatives. Examples of this support include:

> A Challenge Grant Program award of $150,000 in 1981, which provided a catalyst for developing a strong and lasting base of individual and business support throughout the community. The award generated more than $450,000 in matching support over the first 18 months in the form of new memberships and grants. Thanks to the NEA's investment the MA has continued to enjoy steady operating support from the private sector.
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> A Special Exhibitions grant of $10,000 in 1984, helping fund the borrowing of an exhibit featuring many of America's finest contemporary Black artists.
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> A $30,000 Conservation grant in 1989 to assist in the upgrading of equipment to store the Museum's growing collection of art. The NEA previously had funded a planning study for the expansion and improvement of this newly renovated storage area.
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> A $10,000 Special Exhibitions grant as seed money to plan and implement a national touring exhibit "A Courtyard Apart," featuring the work of renowned Black American sculptress Elizabeth Catlett and her husband, Mexican painter, Francisco Mora. This important cross-cultural project is being undertaken as a joint venture with Howard University here in Washington, DC.

Probably the best example of how important the NEA is to providing access to countless Americans and improving educational opportunities, is the MMA's innovative and exciting "Satellite Gallery Program." In 1987, through the NEA Museum Program's Special Artistic Initiatives, the MA received a $25,000 planning grant to study the need and feasibility of establishing a state-wide network of branch art galleries. The study proved an intense interest state-wide in the visual arts, enthusiasm for a local art museum, and a willingness to devote time, energy, funds and leadership to its success.

The NEA subsequently awarded the MMA a $121,000 grant in 1988 to implement three "model" branches in Tupelo, Hattiesburg and Biloxi, Mississippi. The first of these branches, the MMA/Gulf Coast in Biloxi, opened to the public last May and has been an overwhelming success. By sharing its resources from the museum in Jackson, the MMA has presented a full slate of art museum programs with a special emphasis on educational offerings and materials for school children in a largely rural and underserved community. The Mississippi Museum of Art/Gulf Coast has provided access to the arts for more than 12,000 visitors and participants in the first 10 months and the numbers and interest are growing daily.

As a crowning conclusion to this innovative program, the NEA recently provided a $500,000 grant through its Challenge Grant III program to fund the expansion of the branch program to at least two additional regions of Mississippi and to establish a $2,000,000 operating endowment to permanently ensure the existence of the branch network. When the branch program is fully implemented, the MMA will truly be a state-wide museum, with a facility being located within 30 miles of nearly 80 percent of Mississippi's population.

This recent investment of nearly $700,000 in grants was achieved through the peer panel process. A jury of my peers deemed this project, on three separate occasions, to be a program worthy of funding. Without this sizeable support from the NEA, the branch program and its many educational opportunities would be no more than a dream and a plan on the drawing board.

Because of the NEA's commitment to access and serving non-traditional audiences, the MA has been able to create the first state-wide art museum branch network in the United States. This innovative program can serve as a model for other states with similar circumstances, including a largely rural population and a strong interest in improving education.

Already, the $500,000 Challenge Grant has stimulated a great amount of interest in Mississippi. As the largest Federal arts grant made to a museum in 1989, the award has created a sense of excitement and renewed commitment among countless business and educational leaders back home. The $2,000,000 drive has already been enlarged to $7.8 million and includes a new museum auditorium and other developments that will help provide new and improved programs for Mississippians. A $1 million private gift and more than $1,800,000 in additional funds have already been pledged since the December announcement.

The NEA has clearly made a significant investment for the arts and has directly stimulated the renaissance of the arts in Mississippi.

Mississippi is a poor state. And a rural state. But because the National Endowment for the Arts is dedicated to providing all Americans with an opportunity to have their lives enriched and fulfilled by art, Mississippi is rich in spirit and life. Although Mississippi is rural, it is enjoying the same access to art that was once reserved for few.

Mr. Chairman, distinguished members, I urge you to continue your support of this legacy. America has long been building a tradition in the arts, and for the past 25 years, the NEA has been instrumental in that development. Please help the NEA continue this important task.

Senator PELL. Thank you very much, Mr. Nyerges, and now we return to Mr. Rhodes.

Mr. RHODES. Senator Pell, we appreciate very much having an opportunity to speak today before you and the committee and your support of John Frohnmayer and his work over the years and for the 25 years of support of the National Endowment for the Arts.

I think I will address my comments to the part of my testimony that is included for the record, but relatively cautiously optimistic about where we are going in the arts field for the 1990s. And there are some good signs on the horizon that are mixed with some of the negatives that are facing us today. I wish we could spend more time today on arts education and some of the other matters that are critical to the future of our field, but I will turn my attention to some of the other matters that you are discussing.

One is that I think that the Megatrends to John Naisbitt, but is really summarized as one of the positive aspects of what is to happen in the future. And that is, by saying that as we move from an industrial society into an information haze, the arts will replace sports as a predominant and leisure activity in this country. I believe that. Arthur Schlesinger and as Nancy Hanks' policy paper at the first Nancy Hanks' lecture in 1988 made a statement that I thought was important to these hearings today; and, that is, that our political life flows in cycles and displays a fairly regular alternation between the private interest and the public purpose as its governing orientation. And in the 1990s, there should be a decade of innovation, experiment and idealism. A turn in the cycle of which the arts which have thrived in earlier eras of public purpose, will again be a major beneficiary.

But the people we really need to be watching, it seems to me in society are these artists, these choreographers, these sculpturers, these film writers, these playwrights, composers are probably having the most difficult of times ever in their history. Insurance is hard to get for them all. They do not have the group policies that we all have and most of us in society. Copyright legislation; the devastation of the AIDS epidemic on our community has been devastating, and they are yet the creative forces that are behind the entire movement in our field today. And there are at the cutting edge of practically every social issue that we face and every political issue in our society. And this can clearly be seen in their work in many ways.

The fact that we have allowed this censorship language to weave its way into a U.S. Government agency is the issue which calls us forth today and to advocate for our basic rights the freedom of expression. I think our artists like our scientists, like our explorers, like certain entrepreneur CEO's, like lawyers and certain ministers, academicians and computer specialists, challenge us to think and act differently. Oftentimes this process of discovery pushes us as citizens to our limits. A very few of our artists have chosen sexual behavior, our religious symbols and body parts as their medium for their expression.

Many of us will take their efforts as artistry; others as pornography. But we should take their efforts seriously because artists explore every issue we face, including feminism, homosexuality, patriotism, abortion, and lackadaisical voter involvement in some cases. And should we in the arts community or Congress limit this exploration and creativity? My notion as I speak before you is that we could not and we should not. And I am an adult and I do not want my Congress and I do not want my Federal Government particularly, or others telling me what I can and cannot view. This is America and in America adults make their choices.

Should the Federal Government pay for the arts? Yes, it should. We have heard the record today. The Federal Government should continue to support the arts, the 99.9 percent of the arts that is not controversial and the 1/10 of 1 percent that is. Controversy in a few works is the price we pay for that freedom of expression in a democracy. And, in my eyes, the percentages we are dealing with are just not bad odds.

In the United States today in the arts and entertainment industry, there is about a $300 billion industry. Our Federal investment in the arts is led by the National Endowment for the Arts with $171 million effort on behalf of the Congress of the United States, and our $300 billion industry is fueled by that National Endowment for the Arts and the not for profit sector which is an $11 billion part of that overall industry. We support the recording industry, the movie industry, the television and radio and publishing and so on down the line. And our Federal investment is probably one of our great investments that we make in the arts.

In our field the Government currently puts in $171 million each year, and I do not believe there is a better bang for our buck than any other part of what we support. The National Endowment for the Arts is our leadership organization. We must support it and continue to support it with a wise legislation that was created 25 years ago. Thank you.

[The prepared statement of Mr. Rhodes follows:]

Prepared Statement of Milton Rhodes

Mr. Chairman, 1989 was an eventful year in many ways. Important events like the swearing-in of a new president, two major natural disasters—the hurricane in South Carolina and the earthquake in the San Francisco area—and the shift in the Communist world toward democracy have caused Americans to become more informed about substantive issues and more reflective about what is important.

One event which has forced us all to become aware of our basic rights of free speech and expression has been the controversy surrounding the National Endowment for the Arts.

If there is any phrase that sums up my feelings as we head into the 1990s, it is "Cautious Optimism." According to John Naisbitt, noted futurist and author of *Megatrends*, "As we move from an industrial society into an information age, the arts will replace sports as the predominant leisure activity in this country."

Another positive trend developing in the arts are workplace giving programs. Federated arts campaigns are developing audiences and raising money for the arts through soliciting individuals at the workplace. Two stellar examples are the Philip Morris plant in Louisville, which raised $157,538 from 1,570 employees, and the General Electric plant in Cincinnati, which raised $475,000 from 18,000 employees. These and other companies recognize that the arts—like health and human services—are essential to any community, and if you provide Americans with a chance to support the arts, they will.

Allow me to put this in a more historical perspective. The American Council for the Arts sponsors a lecture annually in Washington, D.C. In 1988, the first Nancy Hanks Lecture on Arts and Public Policy was given by the noted historian, Arthur Schlesinger, Jr. Dr. Schlesinger made an observation which rang especially true for me as I watched the primary and general elections last year. He said:

> "Our political life flows in cycles and displays a fairly regular alternation between private interest and public purpose as its governing orientation. From this perspective, the private-interest 1980s are a reenactment of the private-interest 1950s, as the 1950s were a reenactment of the private-interest 1920s.
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> In the same fashion, the nation turns at 30 year intervals—the span of a generation—to public purpose, idealism and affirmative government:
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> Theodore Roosevelt ushering in the Progressive Period in 1901; Franklin Roosevelt the New Deal in 1933; John Kennedy the New Frontier in 1961. If the rhythm holds, and all indications are that it is holding, the 1990s should be a decade of innovation, experiment and idealism—a turn in the cycle of which the arts, which have thrived in earlier eras of public purpose, will again be a major beneficiary."

All of this leads me to this point: In this world of change, we are constantly being forced to reevaluate. Oftentimes, this process takes place through fast-track ideological messages which attempt to persuade us in 10 or 30 second spots. In our busy lives, we are often tempted to take a quickly received concept and run with it. My sons watch four TV programs at once with the remote control.

But the people we really need to be watching are the composers, playwrights, choreographers, sculptors and film writers. It is the artists in America who are the creative forces. They are at the cutting edge of every social and political issue in our society and this can be clearly seen in their work.

There are often times in our lives when people try to force concepts and messages on us which are completely unacceptable to our basic belief system. In these instances, we are forced to reevaluate and carefully think through the changes that are affecting us. Now is one of those times and John Frohnmayer and the National Endowment for the Arts needs our help.

As you all know, the National Endowment for the Arts is currently operating under language adopted by Congress last year which states that funding may be refused for obscene art if it is without serious literary, artistic, political, or scientific value. This restrictive language is the result of the controversy over the funding of the work of two artists—Robert Mapplethorpe and Andres Serrano. These artists drew national attention last summer when Senator Jesse Helms from North Carolina led the effort to penalize the NEA for funding work that he considered to be obscene. Senator Helms' broader amendment was rejected by both the House and the Senate and some view the compromise adopted by Congress as a victory over the broad, nebulous and all-inclusive language of the Helms Amendment. I do not. The record of the NEA is one that all of us should be proud of.

It would be incorrect to say that controversy has never surrounded the arts or that the NEA has never been threatened. For centuries the arts have been viewed, from time to time, as scandalous and obscene. Drapery was painted over Michelangelo's nudes on the Sistine Ceiling. *Ulysses, Lady Chatterly's Lover* and *Tropic of Cancer* were all published privately because others wouldn't do it. Mark Twain's *Huckleberry Finn* is still banned in some schools in America.

The fact that we have *allowed* censorship to weave its way into a U.S. Government controlled agency is the issue which calls us forth to advocate for our basic rights of freedom of expression. Artists, like scientists, explorers, CEOs, lawyers, ministers, academicians, and computer specialists, challenge us to think and act differently. Oftentimes this process of discovery pushes us to our limits. A very few of our artists have chosen sexual behavior, religious symbols, and body parts as their medium for expression. Many of us will take their efforts as artistry; others as pornography. But we should take their efforts seriously, because artists explore every contemporary issue, including feminism, homosexuality, patriotism, abortion, and lackadaisical voter involvement. Should we in the arts community or Congress limit this exploration and creativity? My notion as I speak before you today is we couldn't and we shouldn't! I am an adult and I don't want my Congress, my Federal Government, or others telling me what I can and cannot view. This is America and in America adults make choices.

Should the Federal Government pay for the arts? Yes. The Federal Government should continue to support the 99.9 percent of the arts that is not controversial and the 1/10 of 1 percent of the arts that is. Controversy in a few works is the price we pay for freedom of expression in a democracy. And, in my eyes, the percentages we're dealing with are not bad odds.

Ken Dayton of St. Paul said it well about Minneapolis' outstanding long-term development in the arts:

> "We have attracted, kept, and motivated great artistic directors because we have given them the freedom and the tools to do their thing. We have put them on a pedestal. We have put them at the top of the organizational chart. We have accepted their vision and their leadership. We have tolerated their mistakes. We have encouraged them to be bold, to think big, and to aim for excellence. To the best of my knowledge, we have never censored them."

In the United States today, the arts and entertainment commercial business—the for-profit part—generates approximately $300 billion in revenue each year. When I say this, I am including the recording industry, movies, television, radio, publishing and Universal and Disney efforts. When you include all of that, it's a major industry in the United States. The not-for-profit sector generates about $11 billion each year. In the arts field, the government currently puts in $171 million each year. I don't believe there is a better return on investment from our Federal system.

We are told the arts should pay for themselves in the free marketplace. My answer is that throughout history this never has happened with the nonprofit arts. Whether it was the Church, the Medicis or the State, the arts have always had to be supported. Governments have long recognized that the arts are the finest expressions of our human spirit and the finest depictions of what is lasting in our society. While it may be somewhat of a cliche, governments are not remembered for the wars that they fight, but for the architecture, the literature, the visual arts, the music and the dance which they support or suppress.

I must remind you that the budget for the National Endowment for the Arts represents 1/200th of one percent of the national budget. Any reduction in funding of the Endowment would send the message to the American public and the private sector that Congress does not care about creativity; that the arts, music and design are not important to the American character. Business support would be intimidated. The $119 million in grants given by the Endowment in 1988 generated $1.36 billion of private funding to complete those projects. That kind of economic leverage would not have happened without Federal support.

The impact of eliminating our national leadership body, the NEA, would have tragic ramifications that would not only impact on private giving but also threaten State and local arts council support.

Without Federal support for the arts, America would quickly return to the days when the arts would be for the privileged few. The outreach concerts for children, free concerts in parks, special ticket prices for seniors to symphonies, opera, theatre and dance would vanish. The numerous multicultural institutions would close their doors. The preservation of our national heritage through the folk arts would be lost. We would not be teaching our children, at least not with Federal Government support, that the arts help make sense out of chaos; that they teach the tolerance learned through viewing things from different perspectives; that they allow children to learn with both hemispheres of their brains.

One of the great tragedies would be the signal that our country is so uncomfortable with itself that it is afraid to dare, afraid to take chances, afraid to visit the unfamiliar. Our country has consistently promoted the vigorous clash of ideas as being the most fundamental way of achieving the truth. For the Federal Government to retreat from this proposition would signal far more about us than the demise of the National Endowment for the Arts.

Government support for the arts must continue at the state, local, and Federal levels.

Dr. Richard Bernstein, the chairman of the Philosophy Department at the New School for Social Research, recently spoke at ACA's public forum on government funding of the arts. He said:

> ". . . Democracy needs—indeed requires—controversy. It needs the imagination of different opinions. In order for a democracy to live and flourish, it must work to foster real controversy, which is based on different conceptions of the good life, of what is good for the public.
>
> Art and humanistic learning are a critical necessity. They raise up ideas of what ought to be as opposed to what is. For this reason, any government that considers itself democratic must also consider it a fundamental responsibility not only to sponsor but also to encourage the arts . . . For its critical role in defending and improving democracy."

There are many areas that I urge Congress and this committee to address during this reauthorization process. For example:

1. Education—A part of education reform is that every child should have sequential K-12 classroom curriculum-based arts education. We have proven what we can do in education to stimulate a child's thinking and learning. We need to be out there fighting for the arts in the schools. We need to tell people that so many of the other school reform recommendations in the last 15 years have not worked and we think arts education can play a significant role.

2. Literacy—Another issue of national concern is illiteracy. Mrs. Bush rallying up support for programs for the illiterate. The arts should play a role in this effort also. We can turn these kids on to reading and writing by using the arts. If there is a dance class or an arts class or a theater production that a student is involved in, that will spark their interest in attending school. This, in turn, will spark their interest in learning.

3. Multiculturalism—We need to be developing programs and funding organizations who speak to the needs of multiple cultures. Funders and audiences are demanding it. Minorities want the boards, staffs, and programs to be reflective of the demographic per-capita percentages in their communities.

4. International—We are finding that more and more countries are interested in making connections with U.S. cultural organizations. American companies will have a renewed interest in Europe in 1992 and the arts can be a part of their initiatives. It is well-understood that the arts can and do break down political barriers and lead to exchanges in the artistic, political, and economic arenas.

5. Revitalization of our cities—I am sure all of you are familiar with the downtown development projects in Pittsburgh, Baltimore, and Seattle. We could probably add another 100 cities to this list. Twenty years ago, these areas were very depressed. But with the arts as the centerpieces of adaptive re-use projects, what were once depressed areas have become exciting and vibrant. These cities attest to the powerful role the arts can play in economic revitalization.

6. Tourism—Many studies have been done on the economic impact the arts have had on tourism in cities such as New York and Charleston, SC. People come from all over the world to see Broadway shows and to attend the Spoleto Festival. There is an indisputable link between the development of new hotels, shops, and restaurants in areas where abundant cultural activities exist.

The six areas briefly mentioned here fall into three groups of current arguments about what Americans are extremely interested in: Quality of Life, Education, and Economic Development. The arts cross them all.

If, per chance, none of these issues are of interest, we should support the arts for civic reasons, because we want future generations to have a fuller life. I can't think of a better bang for your buck for a long-term solution to many of our nation's pressing problems.

Mr. Chairman, as we leave the build-up in armaments, the self-interest and greed era of the 805, and as we enter into a new world of democracy and vision, we must—as people who care about our society—spread the word, broaden our reach, and listen to others. We must be open to people of other ages, colors, and cultures. For this is what all of the arts stand for and the arts are an essential part of the global society today.

I've tried to highlight my thoughts about why the arts are critically important to our nation and around the world today. I remain cautiously optimistic about the potential success of this very broad and diverse field which includes individual artists, arts organizations, audiences, and people who give from foundations and corporations who love the arts and consider them essential to Americans today.

I think it's a time for involvement and for running for substance and values. At rare moments in history, people rise up from the mediocrity and lack of involvement. When this happens, artists, arts organizations, and trustees are oftentimes at the center of it all, defending freedom of speech and expression. That time is here now. You as members of Congress must run—not walk—for what you believe to be important in this democracy. Definitions of "the public good" will be rewritten in the next decade. As we, as Americans, are defining the limits of that phrase, others in our world are just opening the doors.

I mentioned 1989 as I began my remarks as being a tumultuous year. My most vivid memories were of the young man in front of the tank in China—defiant, at-risk, a martyr for freedom. That individual is a symbol of America's early freedoms. He is probably an artist.

As I looked at the image of the young East German standing on the Berlin Wall with the hose of water blasting in his face, I thought of him as a symbol of our freedom of expression over the years. He is probably an artist.

To illustrate the role each individual plays in his or her government and society, I would like to close this testimony with a quote from President Vaclav Havel, Czechoslovakia's new leader. In his New Year's Eve address, the playwright said:

> "It would be very unwise to think of the sad heritage of the last 40 years only as something foreign, something inherited from a distant relative. On the contrary, we must accept this heritage as something we have inflicted upon ourselves. If we accept it in such a way, we shall come to understand it is up to all of us to do something about it.
>
> Let us make no mistake: even the best government, the best parliament, and the best president cannot do much by themselves. Freedom and democracy, after all, mean joint participation and shared responsibility. If we realize this, then all the horrors that the new Czechoslovak democracy inherited cease to be so horrific. If we realize this, then hope will return to our hearts."

Senator PELL. Thank you very much indeed, Mr. Rhodes. I was particularly struck by your reference to Arthur Schlesinger's lecture. And thinking of those 30 year cycles and I see that even here in the 30 years I have been here, I have seen controversies in various parts of Government every 10 or every 15 years, whether it is home heating oil or whether the USIA should be a part of the State Department or not. It seems to me that cycles exist to many of the problems. I hope this is correct, because as you point out, it would mean that the final decade of this century will be a very exciting creative and productive one. It is an interesting theory.

I would like to ask each of you if you believe that the obscenity guidelines that have been put out in any way dampen the creativity of artists? I will start out with Dr. Robinson.

Mr. ROBINSON. I would say that it certainly would have a chilling effect and maybe on the artists. But I am sure on the arts organizations, on the theater companies, the museums and so forth which have to look for money in a variety of places, not just from the Government but from the corporate and private sector, and so that kind of guideline would, I think, encourage them not to take changes, encourage them to take the safe way out. And we do not want to go that route.

Senator PELL. Thank you. Mr. Villella, and I must express my admiration for your particular discipline. I am proud of a granddaughter who plans to be on an exchange program with the Bolshoi in Russia next year.

Mr. VILLELLA. Wonderful, that is lovely to hear. I am certainly concerned about any kind of factor that would inhibit an artists' thinking because that is basically what art is all about. It is about specifically that kind of free thinking. We need further comment on what surrounds us. In terms of what is obscene, what is obscene art? I would like to cite a few examples. For instance, a man named George Ballanchine was making a couple of ballets, one in 1928 called "Apollo." It caused a scandal. It was obscene. It is now one of the single greatest neoclassical works in the repertoire, in the history of dance.

The following year he did a work called "Prodigal Son." Again, one of the great great works of this century. And again, it created a scandal. One of the critics of "Apollo" said that is absolutely not "Apollo," it is obscene, it is this and this and this. And Balanchine's response to that was, well, have you ever seen Apollo? But Balanchine saw Apollo. He showed us his sense of Apollo. He showed us his sense of a Greek god in a Greek ideal. He even humanized that for us. In "Prodigal Son," he showed us a seduction scene out of the Bible. Is that obscene? History and the public posterity has told us no. They are master works today, as they were then.

Senator PELL. Thank you very much. Mr. Nyerges.

Mr. NYERGES. Since the appropriations language that was added last fall, I have seen a very serious detrimental effect in the creativity in the interest of artists in our region, and I think that creativity is the key word here. The arts are obviously a creative process and it is one of the things that separates us from the other animals. Inhibiting that creative process in any way can be detrimental, where creativity and excellence are second place to what becomes standards of acceptability. And I do not think that is productive both for the artists, but most of all for the educational role that our arts institutions and artists play in society.

Mr. RHODES. I think it has been particularly chilling to the artists community, and I think there are numerous instances that we can give this art to give you more information. But I just am reminded of the 1981 cut-backs that were recommended and how that was followed later with State and Federal challenges to our Government support of the arts.

And as we try to broaden our base of support throughout the country in Topelo, in Eakin, in Topeka, we have brought in groups of people that have never been included in the arts before like the multicultural community and the Hispanics and Asians and Blacks and have broadened it to places throughout the country where we never had Government support before.

And I think your leadership role here in Washington, as I said earlier, the NEA is that leadership body that we all look to, to give us the guidance on how to run our Nation's cultural programs. The chilling effect that happens here is felt throughout our Nation in many different areas.

Senator PELL. I wonder if you have any thoughts with regard to our responsibility for the expenditure of tax dollars. Should they be spent in a more constrained manner than dollars from a private source, from a patron, or from a foundation? Dr. Robinson.

Mr. ROBINSON. I would not say so. First of all, there are an incredible number of checks already that we go through in the process of applying for and reporting on grants. So I think the checks are already there in spades. Also, because of museums tax exempt status and their subsidies for operating support and so forth, every show in every museum is Federally supported. I mean, one just cannot escape that in effect.

If you say that art that challenges us should not be shown in museums. Where should it be shown? In artists lofts and other places where it is inaccessible to us? Well, that really is censorship.

Senator PELL. Thank you. Mr. Villella.

Mr. VILLELLA. I certainly do not agree with censorship. I think if you support art, you support art. And again, the statement is that art is seeking a better quality of life. I think what we need is more understanding. We have to have a broader sense, a broader outlook. I would like, if you permit me, just to make a small comment about abstract versus realistic art.

I think here again we need more understanding and maybe this is more to the point, more to the core. I mean, what is an abstract work? It is an abstraction of something. It is really a continuing of the tradition, the classic line. We need new classicism all the time. In our world, the world of classical dance, if we were subject only to "Swan Lake", "Gizelle", "Sleeping Beauty", and "Nutcracker", we would full houses, but would we be artists? No, we would not. We have always got to seek, to extend. That is really what art is about. We look back upon our tradition with great reverence, but that is not what we look forward to. We look forward to invention, the continuity of the classic line, and sometimes that takes different shapes, different forms, different avenues.

But history shows us bad art does not survive. Good art shows us the way. Good art leaves us with what we need as human beings—hope.

Senator PELL. In other words, the reverse of Gresham's Law which is that bad money drives out good. You are saying good art drives out bad art?

Mr. VILLELLA. Absolutely. Quality supports quality. Bad does not support anything.

Senator PELL. Mr. Nyerges.

Mr. NYERGES. I certainly do not think there should be two standards, one for the Government and one for the private sector in determining whether they do or do not support art. I think certainly the standard itself needs to be one of excellence and one of artistic quality and creativity and nothing else—whether it is a private foundation, a corporation, an individual, or the Government. And certainly the Government most of all in preserving our democratic system needs to be most open-minded and has to represent the democracy and the standards that this country was created upon.

My father came to this country from Communist hungary and after the Second World War. He came to this country with two things in his possession—worldly possession. The first was a bible because of his belief in religion and what it meant to his soul. The second was a violin. My father had no training in the arts, still does not, but has a professional musician as a son, a librarian as a son, and of course, myself.

The learning that we picked up from my father's lessons of what is important is that in a democracy, we may not appreciate some things, but our Government most of all protects those freedoms and our liberty more than any other individual or other institution. And I think that is critical with the NEA, because they have done a very successful job in the last 25 years, and I think they will continue to do so without the restrictions.

Senator PELL. I cannot help commenting that at the time of the Hungarian Revolution in 1956, I was in charge of the IRC operation there and we gave the people who came over— rather than doling out money—the instruments with which they could make a living, if they were professionals. We could give a musician a violin and a journalist a typewriter. This kind of help has always been the philosophy of the IRC, the International Rescue Committee, and a good one. Your father may have been one of the beneficiaries.

Mr. NYERGES. Absolutely.

Senator PELL. I hope so.

Mr. Rhodes.

Mr. RHODES. Our whole arts nonprofit system is based on a pluralistic basis for where we earn from 50 to 60 percent on our own to ticket sales and class fees and admissions. The rest of it we have to scrap for like other causes in the United States today. We work very hard to get Government support, corporate support, individual support. All of those areas at this time are changing and under attack. Most of these systems, whether it be corporate support or individual support, follow the lead of the National Endowment for the Arts for that endorsement.

Panels of citizens make those determinations as to what should be granted. And I think they have done a good job and I do not know in my mind at this point what changes should be made in the future. But I think, all and all it has been an outstanding record of achievement.

Senator PELL. I would like to return to one technical point on the question of the student museum visits. The program I am thinking of was brought in under the Education Act and I believe it provided every high school student with a trip to the museum. Are you saying now that this is still continuing?

Mr. ROBINSON. Not that specific program, but we are supported, as it happens under a program called Services to Schools. Our Museum receives a certain amount of money from the State Council of the Arts, renown State Council of the Arts, for providing guided tours for—as it happens 13,000 school children every year from over 100 schools in the State of Rhode Island and nearby Massachusetts and Connecticut—but not that specific program you referred to.

Senator PELL. Your money comes from the NEA then?

Mr. ROBINSON. Exactly. Through the Rhode Island State Council of the Arts. It is a wonderful program and the program get exposed not just to art, but to history, to American culture, to the culture of other ages and centuries and races. It is an extraordinary program.

Senator PELL. And to my mind, and here I speak as Chairman of the Education Subcommittee, the money really ought to come out of the education budget which it did at one point. I hope to see that happen again. Mr. Rhodes.

Mr. RHODES. Amen.

Senator PELL. On that note, I would say Amen to all of the witnesses today for being very very helpful and forthcoming. I would like to point out that this hearing on the Arts Endowment will be continued on April 27, a month from now, and we will do our best to get through the best possible legislation that we can.

Thank you very much for being with us. Amen.

[Additional statements and material submitted for the record follow:]

PREPARED STATEMENT OF SAMUEL HOPE, EXECUTIVE DIRECTOR, NATIONAL OFFICE FOR ARTS ACCREDITATION IN HIGHER EDUCATION

Mr. Chairman and Members of the Committee: My name is Samuel Hope and I am submitting this testimony at the behest of four national arts accrediting associations: The National Association of Schools of Music (NASM), founded in 1924; the National Association of Schools of Art and Design (NASAD), founded in 1944; the National Association of Schools of Theatre (NAST), founded in 1965; and the National Association of Schools of Dance (NASD), founded in 1981. These four associations, involving approximately 800 programs in four disciplines, work through peer review to raise standards of professional education and training in colleges, universities, professional schools, and conservatories. A large percentage of American artists active today have benefitted from studies in one or more of these institutions. I serve as the Executive Director and chief staff officer of the four organizations. The current presidents are: NASM—Dean Robert Werner, the University of Cincinnati; NASAD—President Roger Gilmore, the Portland (Maine) School of Art; NAST—Professor Paul A. Distler, Virginia Tech; NASD—Professor John Wilson, the University of Arizona.

We support reauthorization of the National Endowment for the Arts. We believe that the Federal Government has an important responsibility to advance principles and values inherent in the ideas of great art and high civilization. The Endowment has played a role in this cause in the past and it must continue to do so in the future.

We believe that Federal support for the preservation, communication, and creation of art has provided needed encouragement at State and local levels, and in the private sector. Although relationships between Endowment funding and other funding will continue to evolve, the Federal presence should be maintained.

We also believe that the endowment's existence has generated wide public discussion about art and culture. Since reasoned debate is a central element of democracy, this contribution is beneficial and worthy of continued support.

During the next reauthorization period, one principle should remain paramount: The National Endowment for the Arts must remain focused on its primary mission of supporting the preservation, communication, and creation of outstanding work in the various arts disciplines. The Endowment was created and funded for this purpose. Even though there are other issues important to the national arts effort as a whole, the Endowment's effectiveness must not be diluted by attempting to be more comprehensive than budget, expertise, operational systems, and general resources allow.

Within the broad mandate of the Endowment, our own special competence is in the areas of professional education and general arts education. On this occasion, we wish to focus our testimony on general arts education, a matter of great concern to all who care about the future of our cultural life. What is the Endowment's role in this important area?

Anyone who has looked carefully at arts education in the United States knows of great disparities: excellent programs that are appreciated, funded and successful operate in close geographic proximity to programs that are underappreciated, underfunded, and thus unsuccessful. Outstanding programs have been created primarily by outstanding individuals who have devoted their careers to teaching one of the arts disciplines. We submit that these teachers are the unsung heroes of America's cultural advance, and we believe that they deserve far more respect and philosophical support than they have received from the arts community as a whole. These teachers are part of a large system; the aggregate expenditure for K-12 arts education in the United States is in the billions, mostly local and State tax dollars. However, this system was established and effective long before the creation of the National Endowment for the Arts in 1965. All of us know that the nation's arts education effort is not primarily funded through arts agencies, but rather through education agencies. This fact must be a primary consideration in the formulation of Federal approaches to arts education, including policies about the appropriate role for the Endowment.

A historical review of the relationship between the National Endowment for the Arts and the professionals responsible for arts education shows a less than satisfactory State of affairs. It is neither necessary nor useful here to review this history in detail. Let it be said, however, that to our knowledge, the Endowment has always wished good things for curriculum-based arts education, but found it difficult to promote or work with the world of education of which it is not an intrinsic part. It is in these circumstances that the Endowment has built and advocated its own education-related programs. In terms of knowledge and skills development among students, the results are disappointing. The question thus remains, "How can the National Endowment for the Arts contribute most positively to general arts education?" A wise answer will be based on realities such as the fundamental preservation/communication/creation mission of the Endowment, the relatively tiny amount of Endowment funds available for arts education activities, the great size and scope of the nation's professionally-directed effort in arts education, and the nature of substantive education in the various arts—practice and study, not just exposure. These realities tell us that the National Endowment for the Arts has an important role to play in arts education, but in most all aspects, it is a service rather than a leadership role.

There is one major exception. The Endowment does have a leadership role to play in advocating the need for serious, curriculum-based arts education for every American student. Such an education involves study in the various arts similar in scope, intent, and intensity to study in other basic non-arts disciplines, accompanied by arts experiences of the highest quality. The Endowment must explain why such arts education is vital for the future of the United States. It must point educational policy-makers to the central role played by cultural values in the building of civilization, especially a civilization with technological aspirations. Plenty of help is available, and not only from professional arts teachers. The case for arts study has been made by many of the world's most renowned thinkers on education and culture. Many of our most gifted scientists develop significant skills in one of the arts disciplines, not just for recreation, but for what the arts teach about relationships between disciplined order, organization, and creativity. Thinking artistically has broad application to many aspects of life. It is no accident that we speak of the art of government, the art of business, the art of teaching, and so forth. If adult Americans cannot understand these connections and do not provide our young people with education that enables them to think artistically as well as scientifically and historically, our national will continue to suffer a decline in educational productivity. We all realize what this could mean for the future of our economy, our civilization, and our place in the world.

To repeat: The National Endowment for the Arts should be the Federal advocate for strong, serious, curriculum-based arts instruction in the nation's public and private schools. It must sound the themes of intense study and rich experience as the basis of our arts education effort. At its best, such advocacy will support thousands of professionals already at work, often under difficult and fragile circumstances. The right message from the Federal level can help make a difference. The wrong message accompanied by counterproductive programs can be devastating, especially over time.

We believe that the Arts-in-Education program at the Endowment need not receive significant infusions of new funds to accomplish the goals we espouse. In fact, the present structure of the Arts-in-Education program is consistent with the priorities we have outlined. The Endowment has been active in sponsoring artists' residencies in the schools. These exposure and enrichment programs should continue—as long as they represent the highest values of American civilization, and as long as they are never presented or promoted as a substitute for regular instruction.

The Endowment also provides planning funds on a competitive basis for State arts agencies who wish to encourage the development of curriculum-based arts education programs. This effort should continue as long as funded programs are centered on serious teaching and learning of the arts disciplines, what students know and are able to do, not on the numbers of students processed through trendy methodologies and unverifiable experiences.

The Arts-in-Education program also has a special projects category used to support a variety of small research and development activities. This program, too, should continue as long as the Endowment maintains a posture of service to the arts education professions similar to the position maintained with respect to the arts and arts support professions.

Our point concerning these and any future efforts is that no program, process, or structure has intrinsic value unless it is centered on substantive content. During the past year, we have been concerned about efforts within the Endowment to redefine the arts disciplines for educational policy purposes. On one list, music, theatre, and dance are no longer disciplines but have been reduced to subsets of a vague and shadowy aggregation called performing art. In another list, the visual arts are fragmented into art, design, museum studies, and media, all of which are designated as separate disciplines, an inappropriate division for K-12 settings. Over the strenuous objection of the professional arts education associations, whose members have struggled for years to place serious, comprehensive visual arts, dance, music, and theatre programs in the schools, the Endowment has persisted in developing various listings and programs that contradict each other. Here, the Endowment, seeking to appear on the "cutting edge," is fighting the arts education profession rather than helping it. The new administration at the Endowment has expressed a willingness to look at this unhappy state of affairs, and we must give them time to make the necessary corrections. But the NEA leadership and staff should be encouraged to hurry because the present situation demonstrates that the Endowment is at risk of being out of touch with reality and dangerously close to the fact of open and bitter opposition from prominent professionals and organizations.

We have also been concerned over the past year about grants given by the Endowment to develop curricular models for schools. We do not believe that the National Endowment for the Arts, or any other Federal agency, should be establishing detailed curricular patterns. Although the Endowment's response will surely be that such activities are of an advisory nature, the enterprise seems perilously close to the development of national curricula. Let us make clear that we do not object to the Endowment's articulating broad principles calling for sustained study of serious content. If such calls were coordinated to support the work of the arts education professions with even a portion of the intensity the Endowment supports the work of professional artists, great strides could be made in states and localities throughout the nation. When the Endowment wants to support symphonic music in Boston, it gives a grant to the Boston Symphony. It does not establish a National Endowment Orchestra in Boston to compete with the Boston Symphony. By the same principle, the Endowment should not be establishing detailed curricular models and endorsing, promoting, or funding these for replication in other places. We all know what the response would be if the Endowment began to write guidelines for a model symphony program, or a model dance or theatre season, or a model museum show. The Endowment avoids such action with respect to the arts; it should take the same position with respect to arts education—broad principles, not detailed curricula; advocacy that supports local expertise, not Federal usurpation of professional judgment.

Given the points we have made, we request that the Congress, in reauthorizing the National Endowment for the Arts, work with six principles:

1. The primary function of the National Endowment for the Arts must remain preservation, communication, and creation of art. All but minimal portions of its funds must support this primary function.

2. The Endowment has an important advocacy role to play on behalf of substantive arts education centered on learning the arts disciplines. It must keep the highest principles of art and civilization before educational policy makers and the public. It must promote reliance on and respect for local professionals responsible for daily instructional content.

3. Appropriations for the National Endowment for the Arts should not disadvantage preservation, communication, and creation of art in favor of arts education, particularly at current funding levels.

4. The Endowment should be strictly proscribed from activities that would result in the writing and promotion of specific model curricula for any or all of the arts disciplines. We request that committee report language make this proscription clear and unequivocal.

5. The Endowment should work more closely with the discipline-centered arts education professions in developing agency services that support general arts instruc-

tion. The Endowment has a long history of productive consultative relationships with national organizations representing artists, presenters of the arts, and arts agencies. A similar strategic planning relationship has never existed with the national organizations professionally concerned with arts education. Such consultation is essential if the Endowment is to make the best use of the small resources it has for arts education. We request that the language of the committee report mandate such consultation for the Endowment.

6. Panels dealing with arts education, and particularly those concerned with matters affecting schooling should be composed primarily of individuals whose professional records indicate significant reputations in the content of visual arts, dance, music, and theatre instruction. Experts in arts and educational agency procedures and policies should be present, but they should not dominate the panel process. We request that committee report language promote a new presence for content-based professionalism on Arts-in-Education panels.

Members of the Community may be wondering why these four accrediting organizations, concerned primarily with the professional education and training of artists and arts teachers, have such deep concerns about Endowment policies in general arts education. The reason is simple. The quality of our nation's cultural future depends on our results in arts education. In turn, the cultural context determines much of the nation's values and capabilities. We recognize that discussion about the arts and arts education can be silly and superficial. However, vapid ideas are not confined to matters of art and teaching. We must not allow the presence of silliness and superficiality to turn us away from the serious business of cultural development. There are important choices to be made, and our choices will determine our cultural destiny.

Our own interest in arts education and the National Endowment for the Arts comes from deep concerns about the future of our great nation, the cultural lives of its citizens, and the interrelationship between the two. We respectfully submit this testimony, not in a search for funds, but rather in a search for commitment to ideas and policies that can advance our cultural life, that promote both our freedom to choose and our responsibility to choose wisely, and that make the best use of resources already available. As always, we stand ready to work with the Congress, the National Endowment for the Arts, and any other entity that calls upon us in a spirit of mutual respect and good will. We appreciate your thoughtful consideration and forward best wishes as you undertake the important responsibilities of the reauthorization process.

ARTICLE PUBLISHED IN THE WASHINGTON POST, MARCH 29, 1990

THE PRESIDENT ON ARTS FUNDING

The Senate begins hearings today on the issue that was last summer's longest-running sensation: the matter of what restrictions, if any, should be placed on federally funded art. But the script so far has unfolded with one major difference—an explicit stance by the White House against any legislation that would impose such restrictions through Congress.

The president's budget first telegraphed this position when it offered no proposed restrictions—and a small budget increase—in its five-year reauthorization of the National Endowment for the Arts, which became the target of fierce attacks last summer for grants to artists Andres Serrano and Robert Mapplethorpe. When asked about the issue at a press conference last Friday, the president went further. He answered that he was "deeply offended by some of the filth that I see into which Federal money has gone . . . but I would prefer to have this matter handled by a very sensitive, knowledgeable man of the arts, [NEA head] John Frohnmayer, than risk censorship or getting the Federal Government into telling every artist what he or she can paint or how she or he might express themselves."

This, together with the budget, stakes out a clear and measured position: to object to certain uses to which NEA money has gone, and to accept the government's right to make such objections, and also to believe that Congress is the wrong body and broad legislation the wrong vehicle through which to make them. There are better ways to make such distinctions, ways that do not threaten whole categories of subject area or drastically narrow artists' scope. The arts endowment's chairman, John Frohnmayer, has testified before a House subcommittee on ways in which the endowment itself can become more public and responsive in its decisions, including opening the deliberations of some selection panels to the public; several State councils do this already.

When the Senate last summer overwhelmingly supported a proposal by Sen. Jesse Helms (R-N.C.) to impose sweeping restrictions on federally funded art, passing it by voice vote without debate in a near-empty chamber, many lawmakers later said they had acted out of fear that any attempt to protect the endowment would be used to label them pro-pornography in attack ads at home. What they and their House counterparts lacked was credible political cover for voting their convictions, and that protection is what President Bush has now given them by his carefully modulated statement.

EDITORIAL ARTICLE, NEW YORK TIMES, MARCH 24, 1990

MR. BUSH'S 'BIG TENT' FOR ART

That he has a passion for country-and-Western music is all that most Americans know about President Bush's esthetic leanings. This week, however, they found out something more, and better. In opposing Senator Jesse Helms's proposals to hamstring the National Endowment for the Arts, Mr. Bush proved himself to be a friend to all artists.

Last summer Mr. Helms decided to insure that the endowment would never again subsidize art that offended public (i.e., his) taste. Several arts grants had raised the Senator's ire, but none more so than the grant to a retrospective of Robert Mapplethorpe's photographs.

Congress rejected his proposal to bar Federal money to "promote, disseminate or produce obscene or indecent material" and to prohibit grants for artwork that "denigrates, debases or reviles a person, group or class of citizens. . . ." But it also introduced the well-known camel's nose.

This was a mild but potentially mischievous law barring funding for material that "may be considered obscene . . . and which, when taken as a whole, does not have serious literary, artistic, political or scientific value." Just how mischievous was shown a few months later when the new N.E.A. Director, John Frohnmayer, rescinded and then re-awarded a grant to a New York art show that focused on AIDS.

In refusing to endorse restrictions on the contents of federally funded arts programs, the Administration is not endorsing obscenity. It is placing its faith in a process by which members of the arts community pass on grant applications in their respective fields. Those juries have doubtless made errors, and will continue to do so.

A civilized society can live with such mistakes. But it can't tolerate the loss of a process skillfully legislated to insulate art from politics. Now, for the arts, the President is showing that his administration can be what he calls his party, a "big tent."

LETTER FROM PAGE PUTNAM MILLER TO SENATOR PELL

March 29, 1990

Senator CLAIBORNE PELL, *Chairman,*
Education, Arts and Humanities Subcommittee
Dirksen Senate Office Building—Room SD-648
Washington, DC 20510

DEAR SENATOR PELL: As the Director of the National Coordinating Committee for the Promotion of History, a consortium of fifty historical, archival, and scholarly organizations, I am writing concerning the reauthorization of the National Endowment for the Humanities.

For the past twenty-five years the National Endowment for the Humanities has been an important national priority. The humanities are central to the very idea of a democratic society. Thus the historical and archival communities stand ready to do what we can to support the NEH it is crucial mandate of promoting the humanities in American society. Fellowship aid for scholars doing humanistic research, funding for long-term collaborative projects such as bibliographies and authoritative editions, and support of public programs to bring humanities studies to wider audiences are all essential and invaluable parts of the NEH program.

As we look toward a reauthorization of NEH, there are two recommendations that we put forward for your consideration. First that a policy of regranting be clearly established so that institutions such as the American Council of Learned Societies, the American Antiquarian Society, and the Newberry Library may assist the NEH by receiving block grants that are then processed for regranting. NEH has limited staff available with the expertise for processing of small specialized grants; thus the practice of grants to highly respected scholarly institutions for regranting simplifies and streamlines the process. There is concern that new procedures could make the application process more cumbersome and lengthy.

A second issue of concern to historians and other scholars is that NEH restore its commitment to providing information for the humanities higher education community on human resources in the humanities. For many years, NEH has supported the acquisition of information on advanced degree humanists—tracking their careers and providing data on tenure, rank, salary, and nature of employment for those both inside and outside the academy. Such information is vitally important today to give higher education institutions the information needed for effective planning. Some of the uses of this information for the humanities community include: providing undergraduate and graduate schools with data that serves as a planning tool for curriculum development, career counseling, and the targeting of new programs; and supplying professional associations with employment information that will enable them to make reasoned judgments about market demands for humanists and will provide the data that allows humanities disciplines to track how women and minorities are being integrated into the profession.

Since the current legislation authorizes the Chairman of the NEH to initiate research to strengthen the teaching potential of the humanities and to foster the exchange of information in the humanities, language to support an expanded role for NEH in data gathering is already in the legislation. However, we urge that specific language be included that stresses the role of NEH in serving as a central clearing house for the collection, interpretation, and analysis of data on the availability and need for individuals with advanced training in the humanities.

If I may be of assistance to you in further consideration of these two issues, please feel free to call upon us.

Sincerely,

PAGE PUTNAM MILLER, PHD
Director

February 1, 1990

MR. JOHN FROHNMAYER, *Chairman*
National Endowment for the Arts
Washington, DC.

DEAR MR. FROHNMAYER, Several months ago, I made myself a promise: If I received another Fellowship from the NEA, I would find some way to address the crisis the agency itself is facing, and my relationship to that as an artist. I did not feel I could simply take the money and let it go at that; perhaps I have the need to bite the hand that feeds me, to make sure it is not an empty glove.

I have been very fortunate in my relationship with the Endowment, having received five Choreography Fellowships, an Inter-Arts grant, and a Dance Film/Video grant. The NEA has taken a chance with me, and has made a vital difference in my development as an artist and as a presence in my culture. The money has given me time, and the honor has given me an affirmation of myself and my work. The investment my culture is making in me has made me invest more in my culture. I originally came to art from a political perspective, and it has been an ongoing struggle to discover the power of creative work distinct from my conception of politics. Discovering the language of art, the deep need for creativity to express things that political language cannot, has been a revelation. Because of this long and difficult process of discovery, I am deeply disturbed by forces within politics insisting that art toe the line of political expediency, timidity, and reaction.

I am speaking specifically of the incorporation of Public Law 101-121 into the NEA guidelines for grant recipients. I am aware that you cannot be held liable for the passing of this law, but am concerned with your actions and statements regarding its implementation.

When you were appointed Chairman, I felt an immediate sympathy and hope. Your response to the Artists Space show shattered that. I observed in dismay as you failed to provide neither reasoned nor impassioned perspective on the issues created by the confrontation between this contemptible law and the potent work being shown. Your opening moves were distressing, leading me to wonder if you fully understood the terms of engagement. Complicity, masquerading as compromise, had yielded too much of the field, and a strong action was needed to regain the sovereignty of art over its own terrain. Before even seeing the show, you withdrew funding; an egregious act of prior restraint. There can be no compromising on these issues, for we have not moved far enough forward in this society, and its relationship to the arts, to give us room for bashful backstepping. We do not look to primeval slime molds for opinions on evolution; nor should politicians such as Jesse Helms be consulted about art. It has moved beyond the boomerang of his agenda. Art should provide us with a vision, not a pandering to politics. It is a language that encompasses politics, but must not be trapped within it. The air is too thin in that smokey room. Samuel Beckett, asked why he wrote, said: "I could not have gone through the awful wretched mess of life without having left a stain upon the silence."

Some of us leave stains and shocks, others sweet songs, and they spread throughout the culture in ways we cannot always forsee or control. This is how culture grows and changes. Events in Eastern Europe have shown that, no matter how a government tries to impose its will, its perspective of "perfection," the voices that cry and carry over the wall eventually knock it down, leaving governments lurking under toppled statues and torn-up statutes. We are not the innocent and stupid children imagined by the Ceausescus or Helms. Strong people are not threatened by the unfamiliar, the strange, or even the offensive. If our sense of culture were as strong as the arsenal purporting to defend it, perhaps we could call ourselves truly civilized. As it is, we must trust those who have not betrayed us, and artists look much better in this light then those who seek to silence them. Senators gorged on pork and PACS should not be making this choice for us. The blows against the NEA are part of a larger agenda, denying money to programs which educate or empower people to their own choices, while urging them to consume a brand-name blitzkrieg of cookies and sitcoms. These are the leaders that stage window-dressing wars, that coyly refuse to utter the names of devastating diseases while mincing around the ballroom in the tarted-up drag of decaying empire. We need artists. We need to know that they are not pretending to tell us everything, trying to win our votes or our salvation, who let us know there is a vast terrain of the imagination out there that we can occasionally enter. Great civilizations have always realized there are some people; artists, priests, medicine men and women, "great speakers," who are in touch with mysteries, languages, and experiences that are not comprehensible or palatable to one and all. The speaker may be Moses, it may be Vaclav Havel or David Wojnarowicz. There are voices screaming from this floundering ship, and they are not coming from the captains. We should be learning to listen harder, open our eyes wider, speak with the tongues of men and angels, and the many patois between.

As is often the case in pseudo-populist demagoguery, much noise is made regarding the use of "taxpayers' money." Let us give credit where credit is due, and rearrange some of the furniture here. The NEA is, by its carefully considered charter, not charged with creating a "National Art." The decisions on who and what get funded are, for the most part, made by artists, not apparatchiks. I do not consider the money I have received from the NEA as money from "The Government," but an investment in me by my peers, my culture, and my country. This cultural force is not, and should not be, subject to the vagaries of those at the temporary helm of the partisan government. It is this very depth and consistency that has made the NEA so respected, so generally immune from the opportunism plaguing other government programs. Contrast the NEA with HUD, the EPA, the NRC, the S&L "regulators." Perhaps senators snuggling up to such constituents ad the tobacco death merchants, the oil-slick salesmen, and the go-go boys of borrow and burn economics feel unease around such relative virtue. The refusal to pronounce a politicized agenda, the struggle to serve a diverse constituency, enrages the critics of the NEA. They desire an arts agency on the Soviet model, approving only that which serves the needs of the state, or its murky euphemism "the people." We do not owe the government, nor the politicians feeding on it, anything. We owe our culture, our country, honest work for the faith it has placed in us. "Ask not what your country can do for you, but what you can do for your country;" the critical term here is "country" not "government." We cannot go on allowing artists to be perceived as a dangerous and isolated caste, speaking only to themselves and distanced by economics and its dividing terms: uptown/downtown/avant-garde, etc. The money spent by the NEA is research and development, fertilizing our cultural future while giving extra help to the difficult crops. If we do not have the guts to do this, perhaps we should just redeem our dollars in Hollywood, and let them make trailers for crazed market capitalism, its smug merchants and shiny consumables.

We need art that seduces and offends, that challenges the order of our thoughts while giving them room to breathe. We should not be denied the haunting photographs by Philip Lorca di Corcia of AIDS sufferers, the immediate and impassioned anger of David Wojnarowicz, or the threatening beauty of a Mapplethorpe photo. The teacher who denies you the opportunity to judge for yourself, who feeds you opinions while denying the individual experience and information, is protecting himself, not enlightening others. Ditto for the cultural reactionaries and their politicians. What do they want hidden from us? How cunning to tell us it is too rough, and cheer the atavistic urge while tripping the bringer of fire. Challengers, to individuals and institutions, must come from a basic understanding of the language being used. Cultural lies begin as truths accepted or promulgated by "experts;" the Nazi geneticist claiming one race's superiority over another, deciding one kind of art is degenerate, and another that of a perfect race. "When I hear the word culture, I reach for my pistol;" now they just reach for an appropriations bill. History has its revenge. Whose work do we see in the museums, the Nazi "perfection" or the "degenerate" Egon Scheile? Who do we revere, Roy Cohn or Langston Hughes?

Your initial claim that the Artists Space show was primarily about politics, not aesthetics, is indicative of the schizophrenia usually required of artists in totalitarian societies. Ours is not such a society, although we must remain ever vigilant. Is the work of Leon Golub more politics than art? And Barbara Kruge? Artists are wholistic, encompassing a great many forms of discourse within their work. Judgments such as yours indicate a support for the kind of bloodless formalism that should not be the dominant identity for art in our culture. Art seeks to escape definition, re-contextualizing and re-awakening our senses, our souls, and often our politics.

The art world's response to AIDS mirrored the culture; hesitant, disorganized, and slow to realization. Perhaps it was too close to us; many middle-class artists never had a war so close to home. The site of the battle was inside our bodies and those we love. Art, so often the grace making the banalities of life bearable, seemed unable to find its voice, the eyes in the back of the head. And who, where, was the enemy? It has been in addressing dreaded "politics" that the Art/AIDS impasse collapsed. Groups like ACT-UP and Gran Fury created some of the strongest graphics and imagery/iconography seen in a long time. Their creative seizing and rebirthing of direct cultural/political action has been a revelation to artists and the body politic. Sometimes they are effective, sometimes only offensive; just as much of the art that has accompanied these actions. Rage does not stop at the crosswalk for reason; if your body is on fire, you run. The recipes for such grass-roots action were not tested in the lab to account for all variables. There was not time. The surfaces have not been burnished by the academy. There was not time. But the work is vital, and for the most part, honest. Humanity comes through, in all its sloppiness, passion, hope, and bolts of vision. There is brilliance, but its coat is rather shabby, and its language rather rough. That is the place we are living in now. These are not the treacly sounds oozing out of the shining city on the hill. This is an art beautiful and soothing, ugly and erupting. Sometimes the lava pouring down the mountain burns us. Do we put a cork in the crater and close our eyes, or wake up to the rumbling beneath the earth and within our souls? We evolve in the way we look at our bodies, the ways in which we exist within them. The work at a show such as Artists Space makes this clear. David Wojnarowicz' essay was incendiary; how could it be otherwise? The shock of something REAL pulsed through me as I read it. His very existence is political, and the proof of this pudding was in the response it received. Truth hurts. If Senator Helms et. al. don't want to hear these moans and shouts, let them retreat to Boccaccio's estate, and keep their fictions to themselves. Artists are waking up to the politics within, and to deny this would be to deny our very bodies, our breath. To ask that we cease being political brings, or itemize our actions as "artistic" or "political" is absurd. Would you ask this of Vaclav Havel, or Mario Vargas Llosa?

I am especially appalled by the manner in which Public Law 101-121 conflates homosexuality and "obscenity." In placing homoeroticism alongside the sexual exploitation of children, it codifies once again an entirely false equation, made ridiculous by the equivocations following it. Saying that funds cannot be used to create materials which may be obscene, except if they have serious literary, artistic, political, or scientific value, is a triumph of bureaucratic evasion. The NEA funds artistic work; the truth of that mandate gets smothered in this clot of compromise. One of your first acts as Chairman should be to insist that this regulation be exposed as the dishonest sleight-of-hand it is. Force the issue to be addressed head-on; what the shocked senators find so offensive about much of this "obscene" art, especially the homoerotic, is that its representations of desire and action are so uncompromising and unashamed. "Outsider" art is not supposed to be like that; better to be hesitant, embarrassed, and embattled, mirroring its minority status. If it stays within its categories, i.e. does not threaten the established hiarchy of values, it is acceptable. Representations of desire and power, especially those we are used to suppressing, make us uncomfortable. That is why artists so often use them. Sometimes we have to listen and look at things we don't want to. Footage of the Vietnam war was not pretty, but it finally moved us.

Placing limitations on an artist's forms of expression leads to stasis and rigid disciplinary boundaries. Many of us do not work that way, and incorporate discourse outside these limits; a painter writes, a dancer talks. Would the reaction to Wojanrowicz' essay been different if he were a bona fide critic, a scholar, or at least a playwright/poet? Perhaps the threat here is that artists are getting too uppity; who knows where we will stop? Perhaps a body politic lulled by the nostalgic lies of a sentimental actor has trouble checking its own vital signs, and understanding an art of rage, emotion, and substance. There are cries of distress when the anesthetic (an aesthetic) wears off/wears out. Innocence can only be longed for and remembered, not regained. We cannot forget the formula that created the atom bomb, nor can we return to the little house on the prairie or Plato's cave. The World's Fair of 1939 is not the state of the union of 1990. If we are to make images, make words, make music, we must embrace ourselves and our world in its complexity and diversity; its totality. This embrace need not be loving, but it must be respectful; a dose not of relativism but reality. There is truth there, and it will make us free to find more truth. Perhaps this freedom will not be warm and comfy, but we are not here to hibernate. Leave that to the toadies and rats, tired from racing along well-worn trails, the sycophants and hustlers, opportunists and revisionists who cede the cultural field before the battle even begins, and settle down for a nap. Let's leave them out in the cold this time.

Whither the NEA? My hope is that you will reaffirm the mandate and integrity of the agency you administer, resisting the intrusions of those who have no experience or understanding of art's transforming process, who distrust its shifting terrain. The NEA can and should grow and change, but nurtured by those who understand and revere creativity in all its forms, nascent and full-blooming. Talk to us, show us the hand inside the glove is open and not closed.

Yours,

JEFF MCMAHON

Senator PELL. The subcommittee stands adjourned.

[Whereupon, at 12:41 p.m., the Subcommittee adjourned, subject to the call of the Chair.]

REAUTHORIZATION OF THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT NATIONAL ENDOWMENT FOR THE HUMANITIES

THURSDAY, APRIL 5, 1990

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES, OF THE
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room SD-430, Dirksen Senate Office Building, Senator Claiborne Pell, chairman of the subcommittee, presiding.

Present: Senators Pell, Simon, Hatch, and Kassebaum.

OPENING STATEMENT OF SENATOR PELL

Senator PELL. This hearing of the Subcommittee on Education, Arts and Humanities will come to order.

Today marks the third in the series of hearings on the reauthorization of the Foundation on the Arts and Humanities Act of 1965.

As we all know, this legislation governs the three leading cultural institutions of our Federal Government: The National Endowment for the Humanities, the National Endowment for the Arts, and the Institute of Museum Services.

Today our focus will be the Humanities Endowment and I want to welcome its chairman, Lynne Cheney, to the subcommittee today.

The full Labor and Human Resources Committee met yesterday and approved Mrs. Cheney's reappointment to a second term as chairman. Congratulate her and look forward to a continuing relationship.

Ms. CHENEY. Thank you.

Senator PELL. The Humanities Endowment has changed over the last 5 years, since the 1985 reauthorization, as has the broad field known to us as The Humanities. Shifts are occurring in scholarships. Schools are reaffirming the place of the humanities in the core curriculum and more and more people are participating in humanities programs across our Nation through the network of State councils, who are well represented here with us this morning.

Our task today is to explore these events and their relationship with the NEH, the National Endowment for the Humanities, which plays such a major role in shaping them.

I also want to thank our other witnesses who will be appearing today. I appreciate the fact that they have all taken time out from their very busy schedules to join us. It is a special pleasure to have two fellow Rhode Islander's here: Dr. Vartan Gregorian, president of Brown University and Tom Roberts, the Executive Director of the Rhode Island Committee for the Humanities.

Senator PELL. Now I would welcome Ms. Cheney for whatever statement she would care to make.

STATEMENT OF HON. LYNNE V. CHENEY, CHAIRPERSON, NATIONAL ENDOWMENT FOR THE HUMANITIES, WASHINGTON, DC

Ms. CHENEY. Thank you very much, Senator Pell.

I am honored to be here today to speak on behalf of the National Endowment for the Humanities.

Perhaps the best argument we can offer to you for extending our legislative authority for the next 5 years is the record of the last 4.

I have set this out in some detail in my formal statement, but let me just briefly make some highlights from that record here today.

We are proud of our accomplishments, particularly in education. We feel that we have played a major role in calling attention to the decline of cultural memory among both high school and college students.

We feel that our programs have encouraged institutions and individuals to undertake projects that can play a role in helping reverse that decline.

NEH grants have helped institutions from Queens College in New York to the University of North Texas to undertake curricular reform so that students encounter great works and ideas in coherent and rigorous ways.

NEH grants have brought college faculty members together with elementary and secondary teachers at a variety of colleges and universities, including Brown University in Rhode Island, where teachers are gathering with college faculty members to study Latin American texts from the colonial period to the present. These will help them better understand indigenous and Spanish cultural exchange.

Through such seminars and institutes, teachers in elementary and secondary education have had opportunity for intellectual renewal, opportunity to engage the subjects that they teach in depth.

Culture is preserved in one way when it is passed from generation to generation, but we have also undertaken to preserve the achievements of the past more literally. We have supported the work of scholars who are compiling editions of the work of such notable Americans as George Washington, Jane Addams, Frederick Douglass, and Martin Luther King, Jr.

Our grants have helped make cultural treasures accessible by providing dictionaries in many languages, including Yiddish and Sioux.

Our grants have helped make cultural treasures accessible through computerized bibliographies of holdings in resource centers such as New York Public Library. There, an NEH grant is making access easier to the holdings of the Schomburg Center for Research in Black Culture.

We have assumed a leadership role in financing efforts to preserve the knowledge contained in the millions of books currently deteriorating on our library shelves. Our preservation effort was recently extended to include a program that helps museums and other such repositories fund improvements in the storage and protection of the objects in their care.

We have also over the last 4 years committed ourselves to ensuring that Americans from all backgrounds and from all regions of the country have opportunities to learn about the humanities. Our public programs are part of that effort. We are able through television, for example, to reach millions of citizens.

We have coming up this fall a television program of which we are very proud, a 9-part series on the Civil War, that will be the centerpiece of public television's fall season.

The State humanities councils are crucial to this effort to bring the humanities into every part of this Nation and we have enjoyed a warm and collegian relationship with them over the past 4 years.

Our Access to Excellence program is still another effort to make sure that the humanities are brought to Americans of all backgrounds and in every part of the Nation. The director of our Access to Excellence Program who has made 110 separate trips in the last 4 years, visited 50 States, the District of Columbia, Virgin Islands, and Puerto Rico, held over a thousand meetings and workshops so that we can be sure that knowledge of our program is brought to people in every part of the country and in all kinds of communities, rural communities, inner city communities, tribal communities, minority communities.

We think that no major revisions are needed in our enabling legislation. The Act is working quite well, we think, as it is, and we are very proud of the record it has enabled us to achieve.

Thank you again for giving me the opportunity to speak on behalf of the Endowment and I would be happy to answer any questions.

Senator PELL. Thank you very much indeed, Ms. Cheney.

We are very pleased that the ranking minority member on the full committee has joined us, Senator Hatch.

Senator HATCH. Well, thank you, Mr. Chairman.

Ms. Cheney, we are very happy to have you here. We think you are doing a terrific job down there and I just want to welcome you to the committee and tell you of my support.

I have to say I look forward to reviewing the testimony of this meeting. I am especially pleased that you are here, as well as the other witnesses, especially Delmont Oswald from my own home State of Utah. He is the Executive Director of the Utah Endowment for Humanities and he has, had a distinguished career in the humanities. Currently he serves as a member of the Board of Directors of the Federation of State Humanities Councils.

I think the National Endowment for Humanities has served a pivotal role in all disciplines of the humanities through teacher training programs as well as grants for specific projects.

In March, a Utah teacher, Cynthia Finder, was named the National Endowment for Humanities Readers' Digest Teacher Scholar from Utah and given the opportunity to pursue further independent study in the humanities through a 1-year paid sabbatical.

Funds from the Federal Government have been used to attract funds from local and State government as well as private industry and with these funds the Utah Endowment for the Humanities has done some exciting things in recent years.

Funds to the Ute Indians have resulted in the production of a written language so the heritage of this Indian tribe is preserved for future generations, something a lot of people have wanted to have done for a long time. It could not have been done without these funds.

Other funds have been used to provide workshops for teachers on South Africa, Ireland, Palestine, Israel, Afghanistan, China, the Soviet Union, and France. Numerous other programs have been funded to increase the understanding of Utah residents about the diversity and complexity of our world.

Again I really want to commend Lynne Cheney for the excellent job that she is doing as chairman of the National Endowment for the Humanities.

I just hope that through the reauthorization process changes made in the legislation will enable the Endowment to be even more successful in its role of promoting process in scholarship in the humanities.

As I said, I just wanted to come over to welcome you, say hello, and tell you how much I personally appreciate what you have been doing. I think you have real support up here on Capitol Hill, real bipartisan support, as you should. I wanted to say that to you today.

I have several conflicts this morning. Consequently I have to apologize to all of you for not being able to attend the full hearings, but I will read the transcript and I am certainly happy to have our witness from Utah as well.

Ms. CHENEY. I appreciate your comments, Senator, and your stopping by in the middle of a busy day.

Senator HATCH. Thank you.

Thanks, Mr. Chairman.

Senator PELL. Thank you very much, Senator Hatch.

In connection with subgrants, I understand that the NEH has put procedures into place that comply with the congressional directives to increase the accountability of the subgranting programs.

Could you outline what these new procedures are?

Ms. CHENEY. The Congress, as you well know, Senator, last year in our appropriations bill pointed out that we do not have the authority to make subgrants and if we wish to do this, the Congress instructed, the National Council on the Humanities and I must be as informed and responsible for the subgrants as we are about our direct grants.

In order to achieve this end, the National Council now reviews descriptions of all grants that subgranting organizations wish to award. They read some applications. I undertake the same kind of procedure before the grants are made.

The subgranting organizations have been very patient and cooperative on the whole as these new procedures have been instituted. Some have felt some unease about them and expressed that. One organization found the new procedures sufficiently intrusive, that it turned back a block grant.

The National Council members have found the new procedures to be somewhat awkward, and I have great sympathy with the awkwardness that they perceive. I perceive it as well.

We find ourselves in a veto position. We are given lists of grants to review, to look over, and the only option we have is to say no. We do not know what the full range of applications was like. We do not know what the comments of panelists were on these grants.

So we find ourselves with less knowledge than we have when we are involved in the direct grant procedure. The situation is not satisfying.

I can perceive two possible alternatives. One, of course, is to request even more information from subgranting organizations so that we find ourselves with some power to say yes as well as with some power to say no. But if we begin to do that, we may as well not have subgrants and I think that that would indeed be a loss.

There are organizations such as IREX, the International Research and Exchanges Board, that fulfill a vital role in working with American scholars who wish to study in Eastern Bloc countries. They undertake efforts that the Endowment on its own could not undertake.

So I think that doing away with subgrants is not desirable. A far better option, it seems to me, is for the Congress of the United States to point out that we do have the authority to make these subgrants and to let us return to the status quo ante, I guess you could say.

I would suggest this is the far better option, because in the many, many years we have been making subgrants none has been found to be inappropriate. In fact, the subgranting organizations and the grants that they have made have done the Nation a great service in expanding understanding and appreciation of the humanities.

Senator PELL. Thank you very much.

Would you submit for the record a list of your various subgranting organizations, as well as a summary of the new subgrant procedure.

Ms. CHENEY. Yes.

[The information referred to follows:]

LETTER FROM MS. CHENEY

November 13, 1989

Dear ——.

The Congress has directed the National Endowment for the Humanities to increase its oversight of "subgrants," that is, awards made by the Endowment's grantees with the Endowment's funds. After a thorough review of the wording and background of the Congressional directive, the Endowment has determined that the grants affected would include the NEH-financed fellowships and research awards sponsored by the American Council of Learned Societies, the International Research and Exchanges Board, the Committee on Scholarly Communication with the People's Republic of China, the Social Science Research Council, the Council for Basic Education, and the various NEH fellowships at centers for advanced study.

According to the Congressional directive, the oversight procedures adopted by the Endowment must be stringent enough to make the Endowment's Chairman and the National Council on the Humanities "as thoroughly informed and responsible far the subgrants as they are for direct grants." The Council and I have been at pains to fashion procedures that would satisfy this requirement yet respect the integrity, independence, diverse nature, and proven quality of the subgranting programs that the Endowment supports. That has not been easy; but after lengthy discussions at two of its regular quarterly meetings, the Council made the following recommendations for procedures. Because the procedures are new to the Endowment, I emphasize that they may be modified as experience demands.

(1) NEH will ask subgranting organizations and institutions to pay special attention, as they consider candidates for NEH awards, to the intent and special terms of the NEH bloc grants from which the awards are to be made. Relevant to the intent are NEH's appropriations and authorization legislation, including the definition of the humanities, and applicable official NEH publications, including program guidelines and application instructions.

(2) After they have completed their review of applications and before they have made any awards, subgrantors will forward lists of proposed subgrants to NEH, subgrant program by subgrant program. These lists will identify proposed award recipients (including alternates) by name, field, and institutional affiliation, and will include a description for each project that is long enough to enable the Endowment to ascertain that the proposed subgrants qualify for support, given the intent and terms of the underlying Endowment bloc grant. The lists will be accompanied by complete applications from all persons proposed for awards.

(3) NEH staff will promptly examine the lists, solicit additional information from the subgrantor as needed, and mail the lists, together with any applications that it deems worthy of further review, to the appropriate National Council Committee, which will act for the full Council. Committee members will make their recommendations to the Chairman of NEH within one week after receiving the list, and the Chairman will make decisions and communicate them to the subgranting organization promptly thereafter.

The procedures apply to all subgrants made with NEH outright and matching funds from this date forward. They do not, however, apply to subgrants supported by non-federal funds that are given for the purpose of matching NEH funds. Although NEH will continue its policy of matching non-federal funds only if the activities supported by them are eligible for direct NEH support, the Council did not deem it necessary to apply the recommended oversight procedures to subgrants supported by non-federal funds, whether matched by NEH or not.

The practice of conducting site visits to centers for advanced study is already part of the evaluation of centers' applications for NEH funds. So, where it has been deemed necessary, is the practice of visiting meetings of centers' selection committees. Because the oversight procedures outlined above fall short of applying to individual subgrants the same grant-by-grant scrutiny that the National Council and the Chairman apply to the grants that the Endowment makes directly, the Council recommended that NEH staff conduct periodic site visits to selection committee meetings in all the subgrant programs. The purpose of such visits will not be to influence or participate in the recommending process, but to satisfy ourselves of the thoroughness and adequacy of the selection procedure itself. Normally, a selection committee will be visited every three years. Under special circumstances, however, visits could take place more often. After every visit, a report would be made to the appropriate National Council Committee at the next regular meeting of the Council.

I recognize that variations in schedules and methods of operation make the application of a uniform set of oversight procedures to all subgranting programs extremely difficult, and the Endowment is prepared to introduce these procedures flexibly to fit individual circumstances. The NEH staff will contact you soon to discuss the details and timing of the application of the proposed oversight procedures to your program, to give you a chance to air your concerns, and to iron out any problems that you foresee. The staff will also want to discuss the details and scheduling of the submission of your proposed award lists to the Endowment. To keep the numbers of mailings to the Council Committees manageable, the Endowment hopes to establish a schedule of no more than five or six mailings each year, and the staff will want to know what schedule would best accommodate you.

In closing, please permit me to thank you for your long service to the humanities. As we work in the year ahead to comply with Congressional directives for oversight of regrants, I will also be grateful for your advice and counsel as to how these procedures can be improved.

Sincerely yours,

LYNNE V. CHENEY, *Chairman*

SUBGRANTING ORGANIZATIONS:

—Mr. Stanley Katz, President, American Council of Learned Societies, 228 East 45th Street, New York, NY 10017

—Mr. Robert Geyer, Acting Director, Committee on Scholarly Communication, with the People's Republic of China, National Academy of Sciences, 2101 Constitution Avenue, Washington, DC 20418

—Mr. A. Graham Down, Executive Director, Council for Basic Education725 Fifteenth Street, N.W., Washington, D.C. 20005

—Mr. Allen Kassof, Director, International Research and Exchanges Board, 126 Alexander Street, Princeton, NJ 08540

—Mr. David Featherman, President, Social Science Research Council, 605 Third Avenue, New York, NY 10016

—Mr. Kyle McCarter, President, American Schools of Oriental Research, The Rotunda, Suite 354, 711 W. 40th Street, Baltimore, MD 21211

—Ms. Adele Chatfield-Taylor, President, American Academy in Rome, 41 East 65th Street, New York, NY 10021-6508

—Mr. Marcus McCorison, Director and Librarian, American Antiquarian Society, 185 Salisbury Street, Worcester, MA 01609

—Mr. Joseph Elder, President, American Institute of Indian Studies, 1130 East 59th Street, Chicago, IL 60637

—Mr. David O'Connor, President, American Research Center in Egypt, c/o Hegop Kevorkian Center for Near Eastern Studies, New York University, 50 Washington Square South, New York, NY 10003

—Mr Philip E. Converse, Director, Center for Advanced Study in the Behavioral Sciences, 202 Junipero Boulevard, Stanford, CA 94305

—Mr. Werner Gundersheimer, Director, Folger Shakespeare Library, 201 East Capitol Street, S.E., Washington, DC 20003

—Mr. Glenn Porter, Director, Hagley Museum and Library, P.O. Box 3630, Wilmington, DE 19807

—Mr. Marvin L. Goldberger, Director, Institute for Advanced Study, Princeton, NJ 08540

—Ms. Jean B. Lee, Director, Institute of Early American, History and Culture, Box 220, Williamsburg, VA 23187

—Mr. Norman Fiering, Director and Librarian, John Carter Brown Library, Box 1894, Providence, RI 02912

—Mr. Robert Connor, Director, National Humanities Center, 7 Alexander Drive, Research Triangle Park, NC 27709

—Mr. Charles T. Cullen, President and Librarian, Newberry Library, 60 West Walton Street, Chicago, IL 60610

—Mr. Howard Dodson, Chief, Schomburg Center for Research in Black Culture, 515 Lenox Avenue, New York, NY 10037

—Mr. Douglas Schwatz, President, School of American Research, P.O. Box 2188, Santa Fe, NM 87504

—Mr. Walter Kaiser, Director, Villa I Tatti-Harvard University, Center for Italian Renaissance Studies, Via di Vincigliata 26, 50135 Florence, Italy

—Mr. Thomas A. Graves, Jr., Director, Winterthur Museum and Gardens, Winterthur, DE 19735

Senator PELL. Thank you very much indeed.

I would note here that it was my own alma mater, Princeton, that I believed returned an NEH grant because of their concern with the new procedures. Is that correct?

Ms. CHENEY. It was the Institute for Advanced Studies at Princeton.

Senator PELL. The Association of American Universities and the National Humanities Alliance have communicated with us in the committee that the NEH could do a more comprehensive job collecting and disseminating data in the humanities.

I believe that this case will be made in the next panel and I would like to get your reaction. Is there merit to this belief? How could data collection be improved?

Is there any way we can help you improve the collection and delivery of such data so that policy makers and the community have access to the most comprehensive information?

Ms. CHENEY. In fact, Senator, I do not think that there is. With all due respect to my learned colleagues who are about to testify before you, I think that the Endowment does more than an adequate job. We do a very fine job of collecting and disseminating data about the humanities.

I sometimes think the perception that we should do more is based on a lack of understanding about how much data are collected in the area of the humanities by a variety of organizations.

In order to help further understanding of exactly how much data are collected, we plan, in connection with the state of the humanities report that is due in the fall, to present members of Congress and to make available, at cost, to other people what we are calling a humanities deskbook that will be an easily thumbed-through summary of the multiplicity of efforts that go on to collect data about the humanities. We will bring them together in one place so that people can see the full range of what is there.

I would suggest that the data collecting efforts that we have undertaken at the Endowment about everything from what college seniors know about history and literature to the enrollment statistics in humanities courses have been very widely disseminated, perhaps more widely disseminated than data have ever been before by the National Endowment for the Humanities or any Federal agency of our size.

So I think, in fact, we have done a fine job and we plan to continue with those efforts.

Senator PELL. Thank you for your reactions. We will weigh your views and those of your successors there.

Do you agree that John Frohnmarer and President Bush are correct in not seeking restrictive language of any kind in the reauthorization legislation?

Ms. CHENEY. I think that the best way to deal with the travails of the Arts Endowment are the ones that Mr. Frohnmayer has suggested, to strengthen the process by which grant making occurs at the National Endowment for the Arts.

Senator PELL. That was not the answer to my question. My question was, do you agree with Frohnmayer and President Bush in not seeking restrictive language on reauthorization legislation?

Ms. CHENEY. I am not seeking restrictive language. I look over the entire history of the National Endowment for the Humanities and there is simply no rationale that would allow me to think restrictive language is needed.

Senator PELL. Well, just to answer the question, do you agree with Frohnmayer and President Bush in not seeking restrictive language?

Ms. CHENEY. I am not seeking restrictive language.

Senator PELL. You agree with them?

Ms. CHENEY. Of course.

Senator PELL. Thank you.

Another question that concerns me has to do with the humanities councils across the country, and this is a concern that I have discussed many times before with your predecessors. It is one of the reasons the state arts councils have a more conspicuous position in their communities than the humanities councils as a rule is because all members are appointed by the governors and are part of domestic politics. The whole community feels more a part of the work of a state arts council.

I believe I am correct in saying that with the humanities committees only six people are appointed by the governors. Is that correct?

Ms. CHENEY. Yes, but that is up, Senator. As I recall in the last reauthorization the number was increased.

Senator PELL. What is it now?

Ms. CHENEY. Well, what was it before?

Senator PELL. I forget.

Ms. CHENEY. I mean you are working beyond my historical memory. It was two or four and now it is up to six.

Senator PELL. What is it now?

Ms. CHENEY. Six.

Senator PELL. Six. That is what I thought. So if we moved it up to eight or ten, would that be acceptable from your viewpoint?

Ms. CHENEY. Well, I think that the best people to testify on that point are the members of the State humanities councils themselves who can testify with far more direct experience than I can about where their best council members come from.

Senator PELL. I think one finds as a rule, human nature being what it is, that the councils will always want to keep the maximum appointments within their own purview rather than turning it over to the political process.

So I would very much doubt if any State council agreed with my view. I know over the years they have not and one of the reasons why there is a difference between the arts and the humanities organizational structures is that many years ago it was the humanities which had the political strength in the State colleges and among the scholars, and the arts rode in piggyback on top of them. Through the years the arts have become more conspicuous and now it is just the other way around and the lion's share of the money and the attention goes to the arts. One of the reasons for it, in my view, is that the appointments are made more quietly and privately rather than through the political process and that is why I will endeavor to continue the process of enlarging the number of people who are appointed by the governors.

You have no particular view on this one way or the other?

Ms. CHENEY. No.

Senator PELL. OK. Thank you.

The NEH is still experimenting with a standing panel in your education division. How are your panelists selected as a rule?

Ms. CHENEY. The staff puts together a panel that will have three groups of members: some appointed for a 3-year term, some appointed for a 2-year term, and some appointed for a 1-year term. They make a great effort in seeking out people to fill the slots on these panels, as staff do on all of our panels, to encourage diversity—geographical, ethnic, institutional, all kinds of diversities—so that many points of view are brought to bear.

Then at the end of 1 year, the 1-year panelists go off, new panelists are appointed for a longer term.

The experiment has been satisfactory. I have had some feeling that the potential for burnout is a little greater than in our panels that are constantly and freshly reconstituted. We ask these people to do an awful lot of work.

I also have a bias in favor of nonstanding panels that has not yet been overcome by this experiment, I will tell you. It seems to me that the healthiest procedure for the Endowment is to bring as many people as possible into this process. The other way in which we have been doing our panels, constituting them anew each time, seems to me to achieve better the goal of bringing as many people as possible into the process.

Senator PELL. Thank you very much.

Because of the exigencies of time, I will ask the rest of my questions for the record, if you could answer them in writing.

Senator PELL. I now turn to the ranking minority member, Senator Kassebaum.

Senator KASSEBAUM. Thank you, Mr. Chairman.

Madam Chairman, my apologies for not being here and hearing your opening statement, but I would just like to congratulate you on the superb job you are doing at the National Endowment for the Humanities.

I am sure you welcome the fact that perhaps the spotlight is not on NEH quite as much as it is on NEA at this point, but I think it speaks to the thoughtful way the process has evolved there.

I missed your answer to the Chairman's question on subgrants, but as I understand it, you would just as soon not do the subgranting review as it has been done since last fall at the NEH. Rather, you would prefer to go back to the way it was done before. Is that right?

Ms. CHENEY. The system we had in place before was much more satisfactory.

Senator KASSEBAUM. Well, maybe this has been asked, but do you feel that perhaps one of the reasons that NEH has not had to deal with some of the problems NEA has is that the State councils monitor more closely the programs?

Are they responsible for keeping track of the subgrants?

Ms. CHENEY. No. They are responsible only for keeping track of the grants that they make and in a sense, those are subgrants. But State councils were excepted from the new oversight that was mandated in the appropriations bill.

Senator KASSEBAUM. Prior to the new oversight, who reviewed subgrants?

Ms. CHENEY. Well—leave aside State-based activities because those have never been affected by the congressional language—the Endowment did review subgrants, but we did it after the fact. The subgranting organizations would make their grants, typically fellowships of one kind or another, and after they were made information about the grants had to be forwarded to the Endowment and then we reviewed the grants that had been made. These subgranting organizations do tend to come back to the Endowment time after time for funding and that was a particular impetus to review, to look at the track record of the organization that wanted further funding for these fellowship efforts.

So indeed we did review, but it was a review after the fact as opposed to the new oversight that Congress requires, which is review before the fact.

Senator **Kassebaum**. Did the State boards play a strong role in kind of an advisory capacity as far as communication between you and the State groups?

Ms. **Cheney**. The State councils' executive directors frequently meet with Endowment staff, with myself. The State council chairs will be here in Washington this month and I will be meeting with them, as will members of the Endowment staff. So they are a valuable extension of our eyes and ears in terms of what is going on in various parts of the Nation and, of course, the State councils carry on activities at a grass roots level that the Endowment by itself could never hope to do.

Senator **Kassebaum**. Having been a former member of the Kansas Council on Humanities and that was some time back—I was just curious how that whole relationship evolved. It does seem to me that it is a very important component. As you say very aptly, it is the eyes and ears. If there is that strong council relationship, it seems to me it could possibly prevent at least some of the frustration of wondering if Federal funds are being wisely spent and helping the public to understand exactly how they are being spent. I think that communication and that process of understanding are terribly important to maintain support.

Ms. **Cheney**. The State councils every 2 years send us a very detailed plan of activities for the next 2 year period setting our their programs in great detail. These are in turn reviewed by peer review panels at the Endowment. So there is interchange that goes both ways.

The State councils are a valuable resource for us. I think that the process of peer review that the State councils go through in their applications every 2 years provides valuable advice and information to them about the activities that they are planning.

Senator **Kassebaum**. In your after-the-fact review, have you ever found a questionable grant—at least during your tenure or if you are aware of anything prior to that. If so, what sort of action is taken at that juncture?

Ms. **Cheney**. I will come back to your question, but there is one thing I should say about the subgranting review process that we have undertaken.

Many times our Council members have found grants that they are not particularly enthusiastic about, but they have never found one that was a problem in terms of being inappropriate for Federal funding. That has also generally been the case in our after-the-fact reviews.

Sometimes there are grants the council members will look at and they will say, "Oh gosh, was this the most excellent application they had? Were there none better than this? This does not seem like an A, maybe it is a C." But the only terms in which a subgrant has ever been thought to be questionable was whether it was in the humanities.

There is always the borderline question. When people are working in the social sciences particularly, sometimes their activities involve a lot of numbers and some of my Council members have had doubts if that is the humanities.

In this case that kind of question has been taken back to the subgranting organization. Staff has said, "You know, some of our Council members are concerned that some of your grants are not centrally in the humanities," and the advice has been welcomed.

Senator **Kassebaum**. I just have one more question, Mr. Chairman.

I was visiting the other day with the new Minister of Education in Czechoslovakia, and he mentioned that they were going to have to retrain thousands of teachers because of the shift from Russian language in the schools. This will entail the expense of new textbooks and new training for the teachers.

Has the National Endowment for the Humanities looked at—I do not know and I should—any international programs?

Ms. **Cheney**. We constantly look at international programs, partly because we think that we can learn from people in other cultures that their challenges, though sometimes quite different from our own, bring out a kind of creativity that we can profit from.

Our policy has been, though, to support American scholars in American institutions, or scholars who have been resident in this country for 3 years.

The USIA has typically had more responsibility for the kind of effort you mentioned. Though we have not been shy about offering advice and moral support, it is not the kind of effort that we felt was within our mandate to provide financial support.

Senator **Kassebaum**. Thank you. Again, congratulations, Madam Chairman, for running a really superb, I think, operation at the National Endowment for the Humanities.

I would like to ask, Mr. Chairman, my full statement be made a part of the record.

Senator **Pell**. Certainly. Without objection.

[The prepared statements of Senator Kassebaum and Simon follow:]

Prepared Statement of Senator Kassebaum

Senator **Kassebaum**. It is a pleasure to participate in this hearing, dealing with reauthorization of the National Endowment for the Humanities. I want to welcome particularly Chairman Lynne Cheney and to note that the Labor and Human Resources Committee yesterday unanimously approved her nomination for a new term at the Endowment.

The letterhead of the stationery of the Kansas Committee for the Humanities states, "We bring ideas to life." I believe this is a fitting description of the work of the National Endowment for the Humanities—which supports a variety of programs in areas such as history, literature, and languages.

That statement might well be expanded to note that ideas are brought to life in all corners of the country. In Kansas, humanities projects are available in the smallest towns to the largest urban centers. Kansans have been treated to accounts of their own history with programs such as "John Brown" and "Grandma May Have

Been a Lady, But She Worked Like a Dog." At the same time, the outside world comes alive on the Kansas prairie with programs such as "Gorbachev, Glasnost, and Uncle Sam" and "Mission and Power: Christianity in China in the 20th Century."

These are but a few examples of some of the smaller projects supported with NEH funds. The NEH also supports major institutions and important research aimed at providing a broad understanding of the world around us.

The National Endowment for the Humanities has done a great deal to improve scholarship and to enrich our cultural life. I look forward to hearing from our witnesses today with respect to the future they envision for the Endowment as we approach reauthorization.

PREPARED STATEMENT OF SENATOR SIMON

Senator SIMON. Mr. Chairman, I am pleased to support the reauthorization of the National Endowment for the Humanities (NEH).The need for the Endowment has been demonstrated again in a recent NEH study. The findings included the devastating fact that two-thirds of American 17 years olds did not know when the American Civil War occurred. How can we, as a country, expect to compete in a global economy with out an understanding of where we've been and what we've accomplished? An understanding of history is essential, if we are to understand and direct the present and plan for the future.

The NEH was created in 1965 to support research, education, and public programs in the humanities. The modest grants awarded by NEH provide the inspiration for Americans to expand their understanding of human experience.

Last year, the NEH awarded 132 grants to Illinois organizations and individuals. Two of those grants went to projects devoted to a subject near-and-dear to me, to Illinois, and to America Abraham Lincoln. The first project is a new exhibit at the Chicago Historical Society, "A House Divided: America in the Age of Lincoln". I hope this exhibit travels to other parts of the country, so that all American's, including those 17 year olds who do not know about this period of America's history, would be able to experience and learn from the it. I would like to submit an article for the record that explains in detail this wonderful exhibit. The article appeared in this month's informative *Humanities Magazine.*

Mr. Chairman, the second project is the Great American People Show (GAPS). GAPS is a wonderful ongoing program that produces original historical dramas concerned with Illinois heritage, leaders, and writers. Last summer's production focused on Abraham Lincoln. Every year, thousands of people from Illinois and the nation attend the productions in New Salem, Illinois. In fact, many plan their summer vacations around the event.

These two projects not only entertain, they inspire learning. Many a child's curiosity about their position in the historical scheme of things has been piqued by the dramatization of an historical event, or by an exhibit in a museum. Their interest often leads to a higher sense of self-esteem.

Mr. Chairman, as you know, I have been a strong advocate for education. In the structure of a strong solid education, the Page 3study of the humanities is the mortar, locking together core academic disciplines, providing the foundation for a complete and wide understanding of the past, the present, and the future.

If America is going to remain a top competitor, then we need to do a better job educating our citizens in the humanities, and we need to grow out of our cultural isolationism. In one of my books, *The Tongue-Tied American*, I have written that we need to improve foreign studies on all levels. I firmly believe that the study of foreign cultures and languages is critical. I am pleased that the Endowment has recognized this importance, and plans to use $2.5 million for opportunities in foreign language education.

Mr. Chairman, I urge my colleagues to support the Reauthorization of the National Endowment for the Humanities.

[An article from the Humanities Magazine submitted by Senator Simon follows.]

A HOUSE DIVIDED:

IN 1858, the fledgling Illinois Republican party pinned its hopes of winning a key U.S. Senate seat on a soft-spoken former congressman from Springfield. The young politician had lost a similar race just three years earlier. Despite the party's vote of confidence, his second try for a berth in the Senate was no more successful than the first. The campaign might easily have been forgotten—one of hundreds of such political disappointments—save for the hauntingly prophetic words of the loser.

"A house divided against itself cannot stand," warned Abraham Lincoln in accepting his party's senatorial nomination. "I believe this government cannot endure, permanently half *slave* and half *free*."

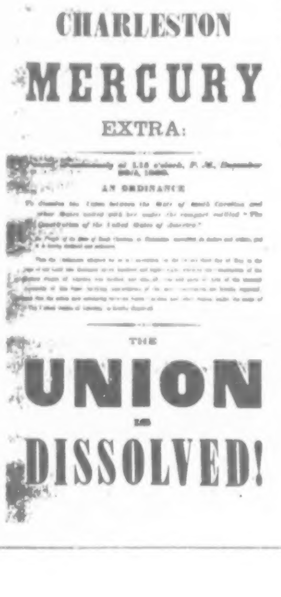
Two years later, in the bitterly contested 1860 presidential election, Lincoln and the Republicans reversed their fortunes by winning the White House. Within weeks, the South seceded from the Union, and the nation was plunged into the bloodiest conflict in its history.

Today the Civil War and the two opposing cultures that took up arms to fight it are revisited in a new exhibition, supported by the National Endowment for the Humanities, at the Chicago Historical Society. "A House Divided: America in the Age of Lincoln" opened in February. It offers visitors a panorama of the complex social, cultural, and political matrix of the period from 1820 to 1877.

Competing Visions

At the heart of the exhibition is an examination of how slavery drove an irreconcilable ideological wedge between the North and the South. A portrait of the North's rapid industrialization and nascent free labor philosophy in the early nineteenth century is juxtaposed against a corresponding picture of the South's agrarian tradition and slave-labor system.

By elucidating the regions' antithetical ideals of labor and proper social order, the curators hope to deepen public understanding of the ideological chasm that separated these competing visions of American life. Visitors are reminded that the Civil War was not a simple good-and-evil showdown between a "civilized" North and its "backward" neighbor to the south, but a complex drama in which actors black and white, North and South, put the Constitution's principles of equality and self-determination to the supreme test.



CHARLESTON

MERCURY

EXTRA:

AN ORDINANCE

THE

UNION

IS

DISSOLVED!

Photo courtesy of Chicago Historical Society

Current Scholarship

The exhibition's focus on slavery reflects the influence of two decades of scholarship that have effectively restored the "peculiar institution" to center stage in interpretations of the causes of the Civil War. Although contemporaries of the conflict pointed readily to slavery as the primary agent, other schools of thought about its causes gained ascendancy as the war receded into the past. By the 1920s and 1930s, a primarily economic theory of the war, advanced by Charles A. Beard and Arthur C. Cole, all but dismissed slavery as a significant factor. Later schools tended to focus on the crisis of national political leadership of the 1850s. Not until the 1970s was slavery itself reappraised as a major force in the social processes of the antebellum period and the primary cause of the war.

One of the earliest of his generation of historians to call for a reassessment of slavery, Eric Foner, DeWitt Clinton Professor of History at Columbia University, was a natural choice to collaborate with the Chicago Historical Society on "A House Divided." As cocurator, Foner has been instrumental in incorporat-

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ing slavery into the exhibition as a main interpretive theme.

"The African-American story is really central to the exhibition," says Susan Page Tillett, the museum's director of curatorial affairs. "That's one of the things that makes this show unique. Traditionally, museums have focused on the battles of the Civil War, with little or no examination of the institution of slavery, the lives of the slaves themselves, or the contributions and experiences of black abolitionists and soldiers. But in the past twenty years, Civil War historians like Eric Foner have shifted the emphasis toward a multicultural approach to interpreting the past. Museums for the most part have not yet taken into account this change in scholarship.

"As far as I know," continues Tillett, "we're the first major Civil War show to incorporate pluralistic perspectives into our interpretive framework. To give just two examples in 'A House Divided,' blacks are portrayed as actors, as soldiers and abolitionists, not just as victims or beneficiaries of whites. And visitors are reminded that Northerners could be every bit as racist as their Southern counterparts."

"Neither side had a monopoly on virtue," says Foner. "We've tried to show the weaknesses and strengths of both. Not everyone is going to agree with all of our interpretations. We want to challenge people to think about slavery, about the war, and about the long-term consequences of the conflict."

A Rare Collection

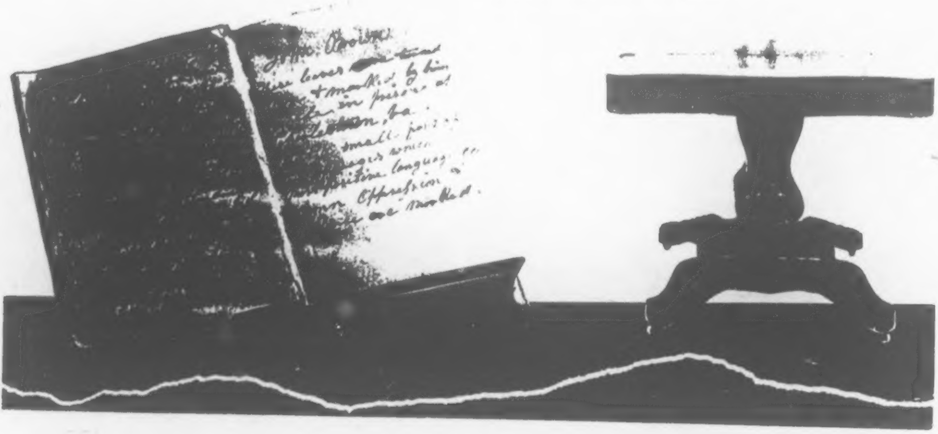
With that goal, cocurators Foner and Olivia Mahoney, the museum's associate curator of decorative and industrial arts, culled the Chicago Historical Society's massive holdings for dramatic artifacts to illustrate the exhibition's seven major sections.

In addition to items given by more than 100 donors, many of the the exhibition's artifacts come from the Gunther collection, a dazzling array of antebellum and Civil War relics assembled by a successful Chicago candy manufacturer at the turn of the century. A student of the Civil War, Charles Gunther turned a personal interest in American history into a museum filled with a vast collection of nineteenth-century memorabilia. The Gunther holdings, acquired by the museum in 1920, include John Brown's Bible, abolitionist Elijah Lovejoy's printing press, Lincoln's deathbed, the bricks from Richmond's Libby Prison, and the table from Appomattox on which Grant and Lee signed the terms of surrender. The acquisition was critical in replacing the museum's original Civil War manuscript collection, which was destroyed in the Great Chicago Fire of 1871, including one of Lincoln's handwritten copies of the Emancipation Proclamation.

A Novel Approach

"A House Divided" opens with an overview of the country's evolution after the American Revolution. Rare Indian materials from the Black Hawk war, color lithographs depicting the transportation revolution, and early machine-made objects highlight the period's commercial development in the North and growing western expansionism.

The first section also introduces visitors to the exhibition's novel treatment of the era's central character: Abraham Lincoln. The traditional Lincoln-as-icon approach has been supplanted by an attempt to integrate the sixteenth President into the context of his times. Beginning with a depiction of Lincoln's young adulthood in New Salem, Illinois, and ending with his deathbed in the final section, the exhibition chronologically examines the themes of



John Brown's Bible, with passages marked by him while he was imprisoned in Charleston, Virginia (now West Virginia); and the table on which Lee's surrender at Appomattox was signed.

westward expansion, the rise of popular politics, the debate over slavery, and the bitterness of war as reflected in the course of Lincoln's life.

The second section profiles the "peculiar institution," exploring slavery's centrality to Southern life and its crucial contribution to the national economy. Visitors encounter compelling images and evidence of slavery: shackles, slave tags, slave-sale broadsides, reward posters for fugitive slaves, and materials expounding the proslavery argument.

The rise of the abolition movement in concert with Jacksonian democracy and the religious revivals of the 1830s are the themes of the third section. As the debate over the extension of slavery into western territories became central in national politics, supporters and detractors employed the marketing tactics of commercialism to sell their ideas and candidates to the masses. Biographical sketches of prominent black and white abolitionists, a first edition of Harriet Beecher Stowe's *Uncle Tom's Cabin*, and the printing press of murdered abolitionist Elijah Lovejoy are among the featured objects.

Audio recreations of the great debates between Lincoln and Stephen A. Douglas in 1858 dominate the fourth section's examination of the political crisis of the 1850s. Artifacts include campaign items from the heated presidential race of 1860, the abolitionist martyr John Brown's Bible, and materials depicting the Confederate assault on Fort Sumter and the secession of the Southern states after Lincoln's election.

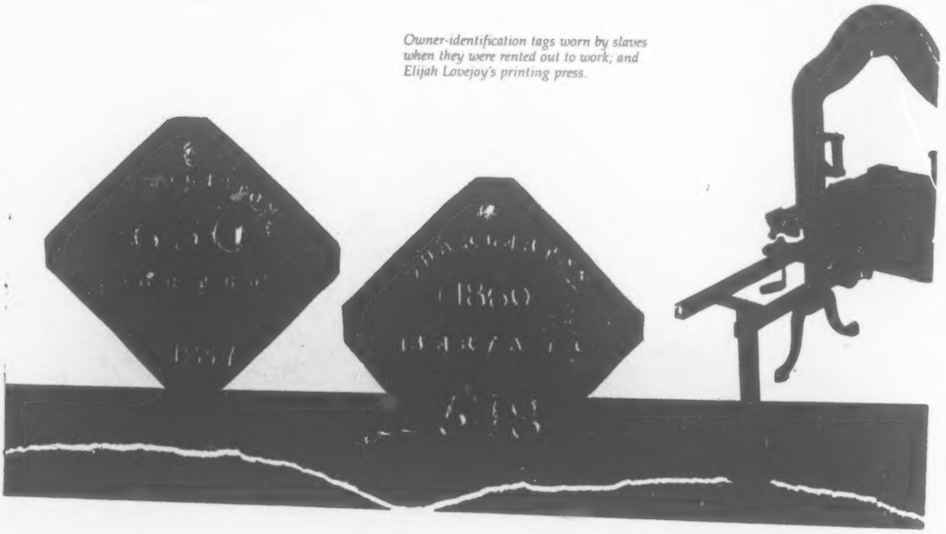
The next and largest section draws visitors into the thick of the period's military drama. The colorful optimism of gigantic recruitment posters and flags quickly gives way to brutal evidence of the devastation of the country's first modern war. Visitors behold representations of the crude hospital facilities, unsanitary camp life, and harsh prison conditions endured by common soldiers. Weapons and uniforms are complemented by photographs and tintypes of army camp life and letters by enlisted men. Life on the home front and the work of benevolent associations are also depicted.

The end of the war, the emancipation of the slaves, and the racial legacy of the conflict are the focus in the last section and in the epilogue. Lincoln's presidency and assassination are vividly represented by the table on which he reportedly drafted the Emancipation Proclamation and the bed in which he died after receiving a gunshot wound to the head.

The exhibition ends by identifying the many questions about race and politics that the war left unsettled: Who should control the South? What should be the status of former slaves? What labor system should replace slavery? The epilogue looks at the Reconstruction period and the fundamental changes wrought in the nation's constitutional system in the war's aftermath—the establishment of the principles of emancipation and civil and political equality without regard to race, and the federal government's empowerment to enforce the rights of American citizens against violations by the states—while pointing to the war's legacy of racism and inequality.

"The exhibition is intentionally open-ended," says Tillett. "We felt our responsibility was to offer the public a more complex and inclusive history than museums have traditionally presented. To do so meant raising lots of interesting, troubling, and perhaps unanswerable questions about the Civil War, its legacy, and our ability as a nation to live up to the ideals of the Constitution." □

The Chicago Historical Society has received $439,512 from the Humanities Projects in Museums and Historical Organizations program of the Division of General Programs to support "A House Divided: America in the Age of Lincoln



Owner-identification tags worn by slaves when they were rented out to work; and Elijah Lovejoy's printing press.

Senator **Pell**. An answer to your last point, Senator Kassebaum, is that there used to be a program in the NEH for international activities. We have opened this issue up with Mr. Frohnmayer as well.

Senator **Kassebaum**. Well, I know he discussed it in the arts.

Senator **Pell**. So maybe we could it for both.

Ms. **Cheney**. Is the suggestion that we would then be mandated to help foreign educational systems and scholars?

Senator **Pell**. Not mandated, but following up Senator Kassebaum's suggestion, urged to do it.

Ms. **Cheney**. I think it is a fine idea.

Senator **Kassebaum**. Well, I was just merely asking. I do not want to be accused of sending our dollars abroad when there are not enough to be spent here at home. [Laughter.]

But I do think it offers some opportunities perhaps to explore some of the relations.

Senator **Pell**. Well, I think it is a great idea and I look forward to following up.

Ms. **Cheney**. For example, libraries in all of those countries are in serious trouble. They have not collected information about their own history, heritage and culture over the years of Marx first domination. They had saved on their library shelves items that are propagandistic as opposed to historical.

I know that the Polish Minister of Culture has been very concerned about that and anxious to find aid and advice for how you set up a national library system, indeed, how you set up a system of public libraries.

If President Gregorian were not so busy where he is, we could export him as a national resource. [Laughter.]

Senator **Pell**. Hold that up for a while. Thank you. [Laughter.]

Thank you very much indeed, Ms. Cheney. We have a whole bunch of written questions to submit to you because this opportunity for reauthorization only comes once every 5 years, and you may want to make some changes to the legislation taking into account your thoughts and views.

Ms. **Cheney**. My staff looks forward to it, sir. [Laughter.]

Senator **Pell**. Thank you very much.

Ms. **Cheney**. Thank you.

[The prepared statement of Ms. Cheney and responses to questions asked by Senators Pell and Simon follow:]

Prepared Statement of Lee V. Cheney

Mr. Chairman and Members of the Subcommittee: I am honored to appear here today to speak on behalf of the reauthorization of the National Endowment for the Humanities. The Administration is proposing that our legislative authority be extended for another 5 years, and I urge this Subcommittee, which has been a strong supporter of the Endowment over the years, to endorse this proposed continuation. It is an easy task for me to sing the praises of NEH: As chairman of the agency for the last four years, I've come to know first hand the important contribution that the Endowment makes to the life of our nation. I've come to know first hand the crucial work it does in advancing education, scholarship, and public understanding of the humanities. The late Charles Frankel once observed that it is through the humanities that a civilized society talks to itself about the things that matter most. As Chairman of NEH, I take great pride in acknowledging the small but significant role the Endowment has played for almost 25 years in helping the people of our nation deepen and broaden their understanding of ideas that are truly important.

The Humanities Endowment that the 89th Congress and the Johnson administration created in 1965, and that every Congress and every administration since have endorsed, has proved to be an effective way for the federal government to promote the study of history, literature, philosophy, and the other disciplines of the humanities throughout the nation. President Bush, in his FY 1991 budget request to Congress, commended the Endowment for its efforts in serving as a catalyst to help preserve and pass on the knowledge of our own and other cultures to future generations of Americans. This small agency has, through the thousands of grants it has made, complemented and fortified the vital work being done by public and private humanities institutions and individual teachers and scholars.

As you know, the administration's bill that we submitted to Congress last month recommends that only minor changes be made in the existing language of the National Foundation on the Arts and the Humanities Act. Before turning to a discussion of our legislative proposals, I would like to make a few points about our efforts over the last four years.

We have, first of all, stressed repeatedly that the humanities are not being taught or learned as well as they should be. An NEH-funded survey of 17-year-olds showed two-thirds could not identify, within a fifty-year period, when the American Civil War occurred. An Endowment-funded survey of college seniors showed that one out of four had Churchill's words confused with Stalin's. One out of four also thought that one of Karl Marx's favorite phrases—"from each according to his ability, to each according to his need"—was in the United States Constitution.

We have, secondly, endeavored through our programs to improve humanities education. While the projects we have funded have ranged widely, many of them have focused on rewarding and encouraging good teaching.

> At Brown University, for example, an NEH grant of $136,000 is currently supporting a humanities institute in which 30 college faculty members are studying indigenous and Spanish writing in the New World from the colonial period to the present. This grant is part of our ongoing agency-wide special initiative to support projects concerned with the 500th anniversary of Columbus's first voyage to the New World.
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> At the University of Vermont, an NEH grant of $62,776 will make possible a seminar in which fifteen school teachers from around the country will study Dante's *Commedia*. The knowledge gained by an in-depth study of this classic work of literature will help to inform these teachers' future classroom teaching.
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> At Kansas State University, an Endowment award of $265,000 is supporting a humanities institute, which will be held during the 1990-91 academic year, for 60 high school teachers from rural schools in Iowa, Kansas, Missouri, Nebraska, and Oklahoma on French, German, and Spanish languages and cultures.
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> At Chicago State University, an NEH grant of $110,000 is supporting a collaborative project on ancient history and literature for elementary and secondary school teachers of social studies and English from the Chicago public school system.

A third point I'd like to emphasize about our efforts is the way in which we have tried to stimulate a wide discussion of problems and solutions in humanities education, as well as to provide focus for our efforts, through a number of major reports. In 1987 the Endowment released *American Memory: A Report on the Humanities in the Nation's Public Schools*. This congressionally-mandated report cited evidence of the unsatisfactory state of cultural memory among American students. The report noted that insufficient time was devoted to teaching the humanities in our schools; that textbooks used to teach the humanities often make subjects like history and literature seem dull and unrewarding; that humanities teachers often do not have sufficient opportunity to study their subjects either in their training or once they are in the schools.

Two major Endowment programs grew out of *American Memory*. The first is the NEH/Reader's Digest Teacher-Scholars program, which provides sabbatical leave opportunities for school teachers to increase their understanding of the subjects. The second is the NEH/UCLA History Center. Now engaged in compiling a major report on essential historical knowledge that students should have before graduation from high school, the Center also is developing a comprehensive collection of exemplary materials on the teaching of history that will be useful for schools around the nation.

In 1988, the Endowment released *Humanities in America*. This congressionally-mandated report noted the decline of the humanities on our college campuses: In 1966, one out of every six students majored in the humanities; in 1986, the figure was one in sixteen. Part of the reason for this decline, the report suggested, was that many students go to college without knowing much about the humanities, and once there are not required to study them. In 1988-89, it was possible to graduate from 37 percent of the nation's colleges and universities without taking a course in history, 45 percent without taking a course in American or English literature, and 77 percent without studying a foreign language.

The humanities, like other areas of human inquiry, suffer when teaching is insufficiently valued. *Humanities in America* noted that neither reputation nor reward is typically linked to teaching in higher education and that remedies are needed. In June, 1989, the NEH announced a program of Distinguished Teaching Professorships that will bring recognition to outstanding college and university teachers.

While the humanities have not done well on our college campuses in the past few decades, they have flourished in what *Humanities in America* called the "parallel school." In museums, historical societies and libraries, on radio and public television, public programming in the humanities has burgeoned. The funding the Endowment has provided through our Division of General Programs and the fine work of the state humanities councils have both been crucial to this growth.

Central to these public programs are scholars who are dedicated to bringing what Matthew Arnold called "the best that has been thought and known" to their fellow citizens. To recognize these scholars, the Endowment recently established the Charles Frankel Prize. This annual award draws national attention to individuals whose efforts have deepened the general public's understanding of the humanities.

In October 1989 the Endowment released its third major report of the current authorization period: *50 Hours: A Core Curriculum for College Students*. This report recommended a required course of studies—a core of learning—that would ensure that undergraduates have opportunities to explore in ordered and coherent ways, the major fields of human inquiry: science, mathematics, and the social sciences, as well as the humanities. The report discussed issues of curricular reform and provided examples of colleges and universities that have undertaken the hard work of conceiving and implementing rigorous and coherent plans of general education for their students. Many of these efforts have been encouraged by NEH funding. For example:

—With an Endowment grant of $352,343, Queens College of the City University of New York is developing a two-year course that will offer students a strong foundation in Western culture as well as encouraging understanding of other cultures and civilizations.

—An Endowment grant of $423,430 has helped Piedmont Virginia Community College in Charlottesville, Virginia, introduce a one-year, historically organized course that engages students with primary works of literature, art, and philosophy from Homer to Picasso.

—With $166,089 in FY 1987 funds, the University of North Texas established a "Classic Learning Core." Throughout the classes that comprise the core certain themes are stressed, such as reason, virtue, and civility. In sophomore English, for example, students might consider these themes as they read Shakespeare; in American history, they may discuss ways in which reason, virtue, and civility relate to our experiment in republican government.

The NEH's efforts to improve undergraduate education continue. Particularly noteworthy is a grant recently made to the Association of American Colleges (AAC). At our February 1990 Council meeting, the Endowment awarded $359,037 to AAC to support a two-year project that will emphasize the importance of core curricula in the humanities in higher education institutions. The funds will support a major national conference focusing on model core programs, a follow-up mentoring service, and dissemination of two publications on the project's proceedings and findings.

Serious, thoughtful scholarship is the foundation on which humanities education rests, and thus we have devoted a significant portion of our resources to projects that expand knowledge and understanding. We have supported or are continuing to underwrite major works of scholarship such as authoritative editions of the papers and writings of George Washington, Frederick Douglass, Mark Twain, Jane Addams, and Martin Luther King, Jr., and the development of important research tools such as the *Encyclopedia of Islam, The Great Dictionary of the Yiddish Language*, a dictionary of the family of Sioux languages spoken by native Americans in the Great Plains region, and a computerized bibliography of the holdings of the Schomburg Center for Research in Black Culture at the New York Public Library.

We have also greatly expanded our efforts to preserve humanities research resources. The Endowment is providing leadership and support to institutions and organizations that are attempting to deal with the problems posed by the deterioration of materials in America's libraries, archives, museums, and other repositories.

Recent estimates suggest that 80 million volumes comprising 25 to 30 percent of the holdings in the country's research facilities are disintegrating, primarily because of the acid content of their paper. Other resources such as newspapers, periodicals, photographs, and audio and visual recordings are similarly threatened by factors inherent to their physical structure or by the way they are stored or handled.

In April 1988, the Endowment presented to Congress, at the request of the House Appropriations Subcommittee on the Department of the Interior and Related Agencies, a multi-year plan for accelerating our efforts to combat these and other preservation problems. The centerpiece of the plan is enhanced support for projects to microfilm brittle books. The remainder of the effort is devoted to collateral activities such as education and training projects and research and development projects to improve preservation methods and technology. Now in its second year of operation, the NEH plan has already helped to quicken the pace of the preservation effort throughout the nation: Major projects have been organized in seventeen U.S. research libraries that when completed will have microfilmed over 167,000 brittle books and serials. Training programs are underway to increase the number and expertise of preservation professionals.

Building on these efforts, in FY 1990 the Endowment expanded its commitment to preservation by launching a new National Heritage Preservation program that will be making its first grants later this year to institutions for needed improvements in the storage and protection of their material culture collections. Formed during a period when there was a more limited understanding of how best to maintain and conserve objects of material culture, many collections are inadequately housed. We have earmarked $4.2 million of next year's Office of Preservation budget to support projects to improve the storage of these items.

The Endowment is committed to ensuring that Americans of all backgrounds and from all regions of the country have opportunities to learn about the humanities. In November 1986, the Endowment established a program entitled Access to Excellence to help make individuals and groups that may not be familiar with our programs more aware of them. Aimed at rural, inner-city, tribal and minority communities, this program promotes the Endowment's work nationally while also providing grant-writing assistance to first-time applicants on an individual basis. To date, the Access to Excellence program coordinator has traveled extensively (over 110 separate trips) in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. He has held over a thousand meetings or workshops in elementary and secondary schools, two- and four-year colleges, public libraries, historical organizations, and other institutions. The coordinator also has attended numerous national, regional, state, and local conferences, sent out over 30,000 individual packets of materials explaining the grant opportunities of the Endowment, and provided hundreds of potential applicants with counsel over the phone or through the mail. In addition, the coordinator has consulted with many non-profit associations, Congressional staffs, state offices, and state humanities councils in building this extensive outreach effort.

Since 1982, the Endowment has also supported President Reagan's and President Bush's federal initiatives on behalf of the nation's historically black colleges and universities (HBCUs). Through our regular grant programs we have pursued a number of special emphases to help NBCUs improve their education and public programming in the humanities and to assist their faculty members in conducting projects of humanities research and scholarship. We will be continuing these emphases on behalf of NBCUs in FY 1991. For example: Our Fellowships division again will sponsor a special competition for HBCU faculty members for fellowships to work on their Ph.D.'s in the humanities; the Access category in the Research division will encourage applications from HBCUs with collections of primary source materials important for humanities scholarship; and the Challenge Grants program guidelines will highlight the availability of support for HBCUs to improve the financial stability and fund-raising capacity of their institutions.

As the Congress recognized in 1965 in the original language of our authorizing legislation and as it has reaffirmed during every reauthorization since, encouraging education, research, and public knowledge of the humanities is not, and never should be, primarily the responsibility of the federal government. Such responsibility historically and properly lies with the states, individual citizens, foundations, the corporate sector, and the nation's educational and cultural institutions. Thus, Endowment funding in any given year will be but a small proportion of the total funding devoted to the humanities from all sources. Congress also created an effective mechanism, however, for leveraging nonfederal funds by authorizing the Endowment to match gifts from private donors to humanities projects and institutions that are recipients of NEH grants. Since 1985 when NEH was last reauthorized, using our authority to make Treasury matching grants and Challenge Grants, we have stimulated over one-third of a billion dollars in third-party contributions to these grantees. This extraordinary record of giving attests to both the vitality of public interest in the humanities and to the power of an NEH award to serve as a "seal of approval" that lets other funders know that the project is significant and of the highest caliber. By stimulating third-party contributions, we also help projects and institutions establish firmer roots in their communities.

Mr. Chairman, I hope you can see from this statement that the National Endowment for the Humanities does not need any major revisions in its enabling legislation. The NFAH Act as it now stands, we feel, is working well. In the legislative bill we have presented to Congress, we are proposing only minor modifications. These are amendments that either make technical corrections in the existing language or make small changes in our authority. Let me call your attention to just a few of these proposed amendments.

Section 4 of the bill would give NEH the authority to support preservation projects for renovation and construction purposes; currently, NEH makes awards for the construction of facilities only within our Challenge Grants program. As I mentioned earlier, the preservation of humanities research resources and important material culture collections is a major emphasis of ours and will continue to be so in the coming years. This authority will permit us to meet the renovation and construction needs of institutions, should they arise.

Another preservation-oriented amendment can be found in Section 10 of the bill, which would give the Chairperson explicit authority to "foster programs and projects that provide access to and preserve materials important to research, education, and public understanding of the humanities." Such authority would formally recognize the Endowment's already significant activities in this area. Section 10 also makes a number of technical changes in the Act.

Sections 13 and 14 of the bill suggest changes in the legislative language pertaining to the data the state humanities councils must report to the Endowment. Annual reporting of data from the preceding year for which information is available is more compatible with existing state council information systems.

Section 17 of the bill updates and makes minor technical changes in the passages of the Act having to do with the Endowment's "national information and data collection system" and the timing of the submission to Congress of "state of the humanities" reports. We are proposing to submit reports on October 1, in 1990 and 1992 and "quadrennially thereafter" rather than the current legislative requirement of a report every two years.

Section 18 of the bill would give the Endowment express authority to make annual awards for the "Jefferson Lecturer in the Humanities" and the "Charles Frankel Prize." These awards have been given in the past by NEH with the knowledge and implicit approval of Congress; this proposed amendment would formalize these activities. The explicit authority to make these awards would parallel the authority the National Endowment for the Arts now has for its National Medal of Arts award program.

Sections 22, 25, 27, and 30 of the bill provide for authorization of appropriations for the Endowment's definite, Treasury, Challenge, and administrative funds, respectively, for the years FY 1991 through FY 1995. Allocations for FY 1991 are set at the levels contained in our current FY 1991 Budget request to Congress and "such sums as may be necessary" are recommended for the remaining fiscal years covered by the bill. Section 30 of the bill also would make the current $35,000 cap on the use of funds for reception and representation expenses apply to appropriated funds only. Monies from other sources, such as gifts and bequests, would not be subject to the cap. Over the years, primarily as a result of inflation, the cost of such events as the annual Jefferson Lecture have increased. The Charles Frankel Prize, which we recently initiated, also involves representational expenses. Thus we are seeking this statutory change.

Mr. Chairman, thank you for this opportunity to talk about the important work of the National Endowment for the Humanities. I would be happy now to respond to any questions you or other members of the subcommittee may have.

RESPONSES OF LYNNE V. CHENEY TO QUESTIONS ASKED BY SENATOR PELL

1. *Support for Social Scientists*

Question: Concern has been expressed to this Committee that proposals from social scientists to carry out scholarly, interpretive work in their disciplines have fared poorly in the review process at NEH. Please provide information in your written response as to the relative success rate of applications from social scientists, particularly sociologists and geographers, contrasted with other disciplines such as history and literature.

Answer: Typically, one-in-four applicants to the Endowment is awarded a grant. In FY 1989, about 17 percent of all social science proposals were supported, with success rates of about 22 percent for geography and 11 percent for sociology. History proposals were awarded funding at about a 30 percent rate; literature proposals about 24 percent, near the Endowment average.

Worthy proposals may fail for many reasons, but unsuccessful social science proposals are often found by panelists to be more descriptive than analytical, or too focused on an immediate social problem or narrowly defined case rather than a question of general significance, or so rooted in the present that they lack a convincing connection to historical continuity.

Among the projects we have funded, *Habits of the Heart*, the widely acclaimed study of individualism and commitment in American life by sociologist Robert Bellah and his associates, is but one example of the scholarly, interpretative works by social scientists that the Endowment has been happy to support. In FY 1989, sociologist Piers Beirne of the University of Southern Maine received an NEH Fellowship for College Teachers and Independent Scholars to conduct a study of the development of science and the rise of sociological criminology, 1829-1920. Geographer John Allen of the University of Connecticut received a grant in the Research Projects program to support the preparation of a two-volume set of essays on the role of the imagination in the exploration of North America.

2. *International Activities*

Question: I recall that the NEH once had a small program for international activities. Does such a program exist at the present time and, if so, what is its function? Are any NEH activities coordinated with the United States Information Agency?

Answer: The Endowment's International Research program still exists; it awards support to national organizations and learned societies that in turn assist American scholars to pursue research abroad, participate in international conferences, and engage in collaborative work with foreign colleagues. Currently, grants in this program support the following activities: the International Travel Grant Program for American Scholars administered by the American Council of Learned Societies (ACLS); the International Research Awards Program of the Social Science Research Council (SSRC), which supports humanities research by American scholars on Africa, the Near and Middle East, Asia, South America, and Europe; the International Research and Exchanges Board (IREX), which administers scholarly exchanges and collaborative research projects with the Soviet Union and the countries of Eastern Europe; two programs of the Committee on Scholarly Communication with the People's Republic of China (CSCPRC), whose activities are analogous to those of IREX; and the ACLS/SSRC Joint Committees on Chinese Studies, which supports collaborative and individual research on China outside the People's Republic.

Another Endowment program, Centers for Advanced Study, awards support for a number of American research centers abroad, including the American Research Center in Egypt; the American Center of Oriental Research in Amman, Jordan; the Albright Institute of Archaeological Research in Jerusalem; the American Institute of Indian Studies in Delhi; the American Academy in Rome; and Villa I Tatti in Florence, Italy. In addition, the American Philological Association, with NEH support, annually awards a fellowship for tenure at the *Thesaurus Linguae Latinae* in Munich, Germany.

Most other NEH programs also provide support for projects about the history and culture of foreign countries, and many of them in the Fellowships and Seminars and the Research Programs divisions assist American scholars to travel abroad to conduct research in the humanities.

The United States Information Agency and the Endowment independently support some of the same organizations. For example, both NEH and USIA provide funds to IREX, CSCPRC, and the American Research Center in Egypt. Of course, NEH grants to these organizations support research in the humanities only. USIA supports a variety of activities in fields that are outside of the humanities. Both agencies cooperate to prevent redundant funding of similar activities.

Every year USIA also sponsors foreign participants in the NEH Summer Seminars for School Teachers program. In 1989 there were 18 such USIA-sponsored participants.

3. *Conflict of Interest Procedures*

Question: Please provide a copy of the NEH's conflict of interest policy statement for the hearing record.

Answer: Requested material is attached.

NEH REVIEWERS AND PANELISTS—CONFLICT OF INTEREST STATEMENT

If you, as a reviewer or panelist for the National Endowment for the Humanities, receive a grant application on which your advice is requested, it may present a problem involving a conflict of interest. Such a problem might arise in a situation in which you either have been or will be involved in the project described in the application, either as a principal advisor, or—on a paid basis—as a consultant or otherwise, or if the project is presented on behalf of your employer. The same restrictions apply if your spouse or minor child is to bed involved in the project described in the application, or if it is presented on behalf of an organization with whom you are negotiating for employment. In any of these cases, please notify the National Endowment for the Humanities.

If an application presents no conflict of interest at the time you review it, a conflict of interest may still develop later on. Once you have reviewed an application, you should never represent the applicant in dealing with the National Endowment for the Humanities or another Federal agency concerning that application or any grant that may result from it. You should not, for example, call an Endowment employee and ask that award of a grant be made speedily or request that the grant period be extended.

Furthermore, it is not appropriate, for your own purposes or for the purposes of the institutions or organizations you represent, for you to make specific use of confidential information derived from individual applications, which information is obtained while serving on an Endowment panel. This is to be distinguished from the entirely appropriate general benefit obtained by panelists who learn more about the Endowment, learn from other panelists, or become better acquainted with the state of a given discipline.

You may, of course, act as a reviewer or panelist on any other applications that do not present a conflict of interest for you, your spouse or minor child, or your present or prospective employer, except in the following situation: individual applicants or principal investigators/project directors should not participate in the review of their own or of competing applications.

CONFLICTS OF INTEREST RESOLUTION

The following resolution was adopted by the Council at its eighty-fourth meeting on May 6-8, 1987.

The National Foundation on the Arts and the Humanities Act of 1965 provides in Section 8(b) that the National Council on the Humanities shall, in addition to the Chairman, be composed of members "selected on the basis of distinguished service and scholarship or creativity and in such a manner which will provide a comprehensive representation of the views of scholars and professional practitioners in the humanities and of the public throughout the United States."

The interests of the humanities require a maximum contribution from the leaders in each field. Therefore Council members should not disqualify themselves from participation in projects supported by the National Endowment for the Humanities merely because of Council membership.

However, Council members should be alert to avoid any action which could possibly be interpreted as a use of Council membership to further their own interests or those of an institution with which they are affiliated.

The application of these two basic principles may be illustrated as follows:

(1) A Council member should not submit an application for the Endowment's funds on behalf of himself or an institution which employs him, or with which he is affiliated. A Council member should not be designated in an application as the principal investigator, nor should he serve in such a role.

(2) A Council member may take part in projects undertaken with support from the Endowment but should not personally receive any remuneration out of Endowment funds for his services to a project.

(3) If a Council member is a participant in any way, a proposal should clearly indicate the nature of his participation in the project, but (as noted above) a person other than the Council member should be in charge of the humanities aspects of the project and should be designated as the principal investigator or should serve in this role.

(4) A Council member should not participate in any way in support of an application for the Endowment's funds on behalf of an institution which employs him or with which he is affiliated, or in support of an application for a project

in which he will participate. All negotiations in support of such applications should be carried on by persons who are not Council members.

(5) A Council member should leave the room if any discussion arises regarding a project in which that member has a conflict of interest or the appearance of a conflict of interest. If no discussion ensues and the motion or discussion of a given project is pro forma, that member may remain in the room.

The considerations and procedures set forth above also govern, where applicable, relations between the Council and former Council members for one year following termination of their services on the Council.

4. *Discipline Specific Data*

Question: Most of the data about history enrollments in NEH publications does not include discipline specific data. For example, if history enrollments are increasing, it would be very useful for professional associations to know if the increase is primarily in American history, world history, or third world history. Is NEH now capable of providing this kind of discipline specific data? If it is now, do you believe the NEH should make such data available.

Answer: History is, of course, one of the disciplines of the humanities and our surveys are typically discipline specific. The NEH-supported Survey of Earned Doctorates, for example, collects detailed information about the annual production of Ph.D.'s in 34 separate humanities disciplines. The biennial Survey of Doctorate Recipients monitors the career patterns of humanities Ph.D.'s in over a dozen fields. And although the Higher Education Survey of humanities enrollments did not collect enrollment data below the departmental level, I would reiterate that we are the only federal agency that has collected field-specific undergraduate enrollment data. Finally, I should note that the Education Department's National Survey of Postsecondary Faculty was given supplemental Endowment funding of $160,000 to enable the Department to oversample faculty in four humanities disciplines. Here again,we were the only federal agency that saw fit to augment the sample size to enable discipline-specific comparisons.

On advice of experts in these matters, we seldom collect data that are specific as to sub-fields of disciplines. One problem in obtaining enrollment data on humanities sub-fields, for example, is that the institutional respondents would have to examine the title of each course and arrive at a judgment as to its proper classification, a task we are advised is more than we were able to ask of the participating institutions. In any event, there is considerable ambiguity as to how many of the history courses might be classified.

Since the Senator has asked three questions (nos. 4, 5, and 14) about data collection, I'd like to take this opportunity to expand on several points of what we do. First let me point out that our data collection and analysis projects are rigorous even under the most exacting of standards; for example, the two NEH-supported doctorate surveys are conducted under the watchful eyes of NEH, NSF, NIH, ED, and other Federal agencies, each operating with the highest expectations for the collection and analysis of data. The projects themselves are conducted by the National Research Council, which has its own high standards for the research it conducts and for the reports it writes. Similarly, the Endowment-supported Higher Education Survey system, also overseen by several federal sponsors besides NEH, has been developed under strict methodological guidelines. Additional oversight is provided by the project's Technical Advisory Committee. As a result, the questionnaires fielded under this system routinely obtain response rates of 90 percent or higher, well above the rates achieved by other voluntary surveys (a recent ED-supported survey of schools, for example, reported its results after achieving only a 21 percent response rate). And our newest NEH-supported data collection project—a comprehensive survey of American museums—has benefited from careful oversight from museum professionals and survey research experts. One final level of oversight bears mentioning as well: All contracted data collection projects must undergo detailed scrutiny from the Office of Management and Budget, a level of review that provides additional assurance of the integrity of each project's data collection and analysis operations.

Second, we make every effort to provide researchers, administrators, and policymakers with access to our data. In fact, virtually anyone can have inexpensive access to the data we collect. For example, researchers can obtain, at cost, special data runs from the National Research Council's doctorate surveys. This is how William Bowen and Julie Ann Sosa obtained much of the data that were used in their study of faculty supply and demand. We also have detailed tabulations from those surveys here at NEH, and access to this information is available to anyone without charge. In addition, NEH has access to the tabulations generated as a result of the

Endowment-supported National Survey of Postsecondary Faculty, and, assuming privacy considerations can be dealt with successfully, researchers will soon be able to obtain copies of this tape at only modest cost. As for the Higher Education Surveys, NEH is provided with a set of printed tabulations that are available to any interested researcher.

Third, we continue to add to our data collection system to adjust to the changing needs of the Endowment and the humanities community. In the years since the passage of the 1985 reauthorization legislation, for instance, we have supported several new data collection projects: the American Association of Museum's national survey of museums, the Department of Education's National Survey of Postsecondary Faculty as well as its National Longitudinal Survey of 1988, the National Center for History in the Schools' survey of history teachers, and the Gallup Organization's survey of college seniors' knowledge of history and literature. Over the coming years, we will continue our search for new means of obtaining critical information about the humanities.

In conclusion, we have used federal funds effectively in order to gather data about the humanities. We owe this effectiveness in large measure to individuals outside the agency who provide advice, guidance, and oversight for our efforts. To cite some specific examples:

> The Governing Board of the National Research Council oversees the general operations of the two NEH-supported doctorate surveys, and an advisory committee has been established by the Council to give technical advice and set standards for survey operations.
>
> Reports generated by the doctorate surveys are scrutinized by a Report Review Committee and by an outside reviewer selected by the Council in consultation with NEH.
>
> The NEH-funded National Survey of Postsecondary Faculty was developed with the assistance of an advisory committee that included academics, administrators, and individuals representing higher education associations.
>
> The Endowment-supported survey of museums being conducted by ARM is monitored by an advisory council consisting of museum professionals, representatives of related associations, and staff members from relevant federal sponsors.
>
> The History Center's survey of history teachers is being overseen by an advisory committee that includes historians, teachers, and administrators.

5. *Sharing Humanities Data*

Question: In the early 1980's, NEH periodically published a two-page report entitled "Humanities Highlights" that informed interested members of the humanities communities about findings of recent studies on needs and conditions in the humanities. It was regarded as a very valuable source of information by those who read it. Is there a possibility that this report could be revived? Or does NEH publish a similar document on needs and conditions in the humanities under a different name?

Answer: "Humanities Highlights" was discontinued in 1984 after the publication of 14 issues over a five-year period. Publication was stopped because we found that even after building a lengthy mailing list, and even though the studies cited in the "Highlights" were available free of charge, the "Highlights" generated little demand for the data described in each issue. In a rather sobering demonstration of the limited appeal of this publication, several prestigious institutions wrote and asked us to take them off the "Highlights" mailing list.

Although the "Highlights" could be revived if the demand were thought to be there, we believe that a targeted dissemination strategy is more effective. A shortcoming of the "Highlights" was that the audience was too diverse to build much of an interest in a study that focused on only one specific aspect of the humanities. Instead, we now disseminate the results of NEH-funded research to the individuals and groups that would be most interested in the findings. As an example, we will shortly be announcing the results of a new NEH-supported survey of museums, which will include an executive summary of the findings. The Endowment will distribute this summary to museums, historical societies, and museum associations across the country, a dissemination strategy that will serve much the same function as our old "Highlights."

6. *Emergency Grants*

Question: Please provide a listing of all Emergency Grants made by the Chairman in FY 1989. What percentage of appropriated definite funds in FY 1989 were awarded through Emergency Grants?

Answer: In FY 1989, the Chairman made only 5 Emergency Grants, continuing the dramatic decline in the use of this authority from the 91 made in 1979. The FY

1989 Emergency Grants totaled only .12 percent of appropriated funds, far below the 10 percent allowed by the Endowment's authorizing legislation.

All Emergency Grants are reported to the National Council on the Humanities at its next regular meeting. Attached are the write-ups prepared for council discussion of the five FY 1989 Emergency Grants.

EMERGENCY GRANTS—FY 1989

RX-21122-89- -0-0 Grantee: INST/ORGANIZ	APPROVED DATE:	00/00
Professor Ronald M. Peterson	**START DATE	11/01/88
Committee on Montesquieu and the American Constitution	**END DATE	08/31/89
Claremont, CA 91711	**APPROVED OR	$25,000
CONG. DISTRICT: 35	**FUNDED OR	$25,000

TITLE: Montesquieu and the Birth of the American Constitution—A Bicentennial Conference

Reason: The Committee proposed an international scholarly conference on Montesquieu and the US Constitution to be held in February at the Huntington Library in conjunction with the tricentennary of Montesquieu's birth. In addition to American and French scholars as presenters, regional teachers of high school history and civics would specifically be invited to attend. Although the conference has been in various stages of planning for three years, it was not until this past June that the French-American committee was able to meet formally and to solicit firm commitments from presenters; and the planning was completed too late for the Committee to submit a regular Conference application. Because of the eminence of the presenters, the substance of the conference, and the admirable efforts to involve a broader public, the Endowment approved an award.

GN-23890-89- -0-0 Grantee: INST/ORGANIZ	**APPROVED DATE:	00/00
Ms. Aviva H. Kempner	**START DATE	04/01/89
The Ciesla Foundation	**END DATE	09/30/89
Washington, D.C. 20005	**APPROVED OR	$30,000
CONG. DISTRICT: 88	**FUNDED OR	$30,000

TITLE: Film: Partisans of Vilna

Reason: The producer of the NEH-supported full-length film, Partisans of Vilna, sought emergency grant support to reduce the length of the film for airing on PBS and to develop promotional packaging for the film, to be aired nationally in August. The reason for emergency consideration is that the producers received in March confirmation of an air date for August, and no reasonable time remained for them to submit a regular supplemental request to the Endowment. Because of the outstanding reception the film has received, the quality of the production, and the coherence of plans for editing the promotion, the Endowment approved the request.

GN-23892-89- -0-0 Grantee: INST/ORGANIZ	**APPROVED DATE:	00/00
Ms. Patricia P. Perini	**START DATE	08/01/89
North Texas Public Broadcasting, Inc.	**END DATE	12/31/89
Dallas, TX 75201	**APPROVED OR	$13,441
CONG. DISTRICT: 05	**FUNDED OR	$13,441

TITLE: Eudora Welty: Love and Separateness

Reason: The Endowment had previously awarded the applicant $67,807 to write a script for a 90-minute film combining dramatizations of three of Eudora Welty's stories. The applicant sought additional support to revise the scripts, renew television rights to the stories, prepare and tape an interview with Ms. Welty, and develop a competitive production proposal. The reason for emergency consideration was that the rights were due to expire in September 1989, too soon for a regular proposal requesting supplementary funding. The Endowment approved support only for the renewal of the rights and the interview with Ms. Welty. Supporting costs of proposal preparation is ineligible, and the costs of script revision could be sought in regular application cycles. The series concept is most promising, and the taped interview should add considerably to the value of the program.

RX-21123-89- -0-0 Grantee: INST/ORGANIZ	**APPROVED DATE:	00/00
Dr. Simon H. Serfaty	**START DATE	01/01/89
Johns Hopkins Foreign Policy Institute	**END DATE	06/30/89
Washington, D.C. 20036	**APPROVED OR	$30,000
CONG. DISTRICT: 88	**FUNDED OR	$30,000

TITLE: Conference on Dean Acheson and the Making of U.S. Foreign Policy

Reason: The applicant requested funds to support one-third of the costs of a conference about American Foreign Policy during Dean Acheson's tenure as Secretary of State. The reason for emergency consideration was that the conference is to occur in Spring 1989 during the fortieth anniversary of Acheson's assumption of office, and the School of Advanced International Studies had not been able to obtain all commitments from proposed presenters until recently. To review the application in the regular Conferences cycle would delay a decision until next August, too late to build upon the anniversary theme. Because the array and balance of proposed presenters is excellent, and because the topic of the conference is significant and likely to draw considerable interest, the Endowment approved funding.

EH-21045-89- -0-0 Grantee: INST/ORGANIZ	**APPROVED DATE:	00/00
Dr. Charles R. Page, II	**START DATE	02/01/89
Lane College	**END DATE	06/30/89
Jackson, TN 38301	**APPROVED OR	$30,000
CONG. DISTRICT: 07	**FUNDED OR	$30,000

TITLE: Film: Introduction to the History, Geography, Archaeology of Holy Land

Reason: Lane College, an historically black institution, sought emergency grant support to complete funding for a special travel-study program in which twenty-six Lane students would spend four weeks in Israel and Jordan studying archaeology, history, and religion. Because the request is one that does not fit existing guidelines, the Endowment determined that consideration of the request as an emergency grant would be appropriate. The academic program holds promise of being a model of its kind and, if successful, will become a permanent offering within the college's curriculum.

7. *NEH Budget Goals*

Question: **If the new NEH budget had kept pace with inflation over recent years it would be in the neighborhood of $223 million in FY 1991. As Chairman, what are your budget goals for the NEH over the next four years?**

Answer: The Administration's Reauthorization bill includes $165 million for FY 1991, which is the amount of our FY 1991 appropriations request now before Congress, and "such sums as may be necessary" for fiscal years 1992–1995.

In the outyears, we believe that the importance of the Endowment's support for the humanities will continue to be reflected, as it is this year, in administration requests for funding increases that meet our needs and are consistent with overall deficit reduction strategies of the President. We hope that the Congress will support that approach as well.

8. *Applications*

Question: What percentage of applications that are judged by panels to be of high quality cannot be funded because of a lack of funds?

Answer: We do not collect the kind of data requested by this question. Moreover, it is important to remember that panel review is only one component of our review system, which also includes specialist reviewers, NEH staff, the National Council on the Humanities, and, ultimately, the Chairman of the Endowment.

The number of applications we can fund is, of course, tempered by the amount of money that is available to us in any given year. In a perfect world—which this is not, considering the high federal budget deficits—we would fund more of the proposals that are submitted to us. While many of these could be considered "high quality" projects, they would not be as important, relatively speaking, as the proposals we do fund.

9. *Ph.D. Shortage*

Question: The Association of American Universities recently published a paper that indicates a decline in the number of Americans seeking a Ph.D. degree. If this trend continues, the quality of teaching and scholarship in the United States is apt to suffer. As the federal government's leading figure in the humanities, I would like you to comment on this AAU study and tell us what NEH can do to restore health to doctoral education.

Answer: Although the number of Americans obtaining a Ph.D. has declined in many of the scientific and engineering fields, the number of humanities Ph.D.'s awarded to U.S. citizens has remained relatively stable in recent years. In 1982, for example, a total of 3,560 Ph.D.'s were awarded in humanities fields, and about 93 percent of the recipients were American citizens. In 1989 the total was 3,558, and again more than 90 percent of the recipients were U.S. citizens.

The AAU report suggests that there will be a shortage of humanities Ph.D.'s to fill faculty openings projected for the late 1990s, and it argues that NEH should establish a new dissertation fellowship program to forestall the looming shortage. The report goes on to suggest that "Market forces cannot be relied on to produce the Ph.D.'s necessary to meet national needs. Any significant enrollment response to an increased demand will not occur much before the appearance of that demand in the mid-1990s."

We believe the AAU report errs in two significant respects:

(1) The projection of a Ph.D. shortage is based on a study conducted by William Bowen and Julie Ann Sosa, a study that we think seriously overstates the situation. The Bowen-Sosa study, for example, limits the pool of those who will be able to fill faculty openings to new Ph.D.'s. This overlooks non-academically employed and part-time academically employed Ph.D.'s who got their degrees in previous years. In the humanities and social sciences, there are more than 40,000 such degree-holders now.

(2) As the dynamics of supply and demand change in the years ahead, market forces will adjust. As the job market improves for humanities Ph.D.'s, more people will decide to go into graduate study. Indeed, news that there will be openings seems already to have acted as a spur. A recent article in the *Chronicle of Higher Education* noted: "A significant rise in the number of students applying to doctoral programs . . . Is being reported across the country." Commenting on the increase, a higher education researcher said: "The word is getting out that there are going to be many vacancies to fill . . . we may be seeing the beginning of a bigger supply of scholars in the faculty pipeline."

The academic labor market is only now recovering from a severe oversupply of humanities Ph.D.'s in the 1970s and 1980s. Given the factors cited above, it does not seem appropriate for the federal government to attempt to influence the supply of new Ph.D.'s through a program of graduate fellowships.

10. *National Council on the Humanities*

Question: At the present time, how many seats are open on the National Council on the Humanities? When do you anticipate nominations will be made for these openings? Please explain the criteria you use in recruiting candidates who you recommend to the White House for appointment to the Council. Is political affiliation one of the factors taken into consideration?

Answer: The National Council on the Humanities is defined in our enabling legislation as a 26-member board appointed by the President and confirmed by the Senate. We are informed by the White House, however, that five people are undergoing clearance checks in preparation for their names being advanced to the Senate as the President's nominees. We hope to welcome these five to the National Council at our August meeting.

Further, the terms of eight active Council members expired January 1990. The Endowment prevails on the good will of these eight people to continue with their duties until they are replaced. If all goes well, we may expect their replacements to begin serving at our November 1990 meeting.

The Endowment enjoys a collegial relationship with the Office of Presidential Personnel at the White House. In our conversations we stress the need for particular expertise to be represented on the National Council. The White House has responded positively, understanding that the content of applications before the Endowment must be reviewed by highly qualified people. A strong National Council is made up of a combination of people expert in several separate humanities disciplines together with people experienced in humanities programs and humanities education. The White House considers the strengths of each suggestion in comparison with the current membership and with other possible nominees.

Suggestions for Council nominees come to the White House from several sources. Associations—the National Humanities Alliance, for one--actively promote qualified people for nomination. Institutions and single individuals also forward names for the President's attention. The Endowment itself identifies outstanding potential nominees from among the more than 1,100 panelists who serve each year.

It is our understanding that political affiliation is considered but is not an overriding factor in the selection of Council members.

11. *Independent Commission*

Question: I understand that the White House has announced the final four members of the Commission to review NEA and NEH grant procedures. What will be the role of the NEH with respect to this Commission?

Answer: Since the Commission has yet to meet, we can not really say what role NEH will play in its deliberations. We will, of course, cooperate fully with the Commission as it fulfills its legislated mandate.

12. *Selection of Peer Panel Reviewers*

Question: In following up on my question about the NEH experiment with "standing panels," I would like to know the procedures used to select panelists both for the "standing panel" and for all other panels. Once a panelist has served, is there a specific period of time before that person can serve as a panelist again? Are panelists selected in a uniform manner throughout all programs or do program directors have some autonomy as to who serves on a panel and when?

Answer: All of the Endowment's panelists, whether they are serving on "ad hoc" panels or on the "standing panels" in the Division of Education Programs, are selected on the basis of their expertise in the humanities and also, broadly, to reflect disciplinary, regional, and institutional diversity. Panelists are drawn from a computer database maintained by NEH that contains the names of 12,000 scholars, educators, administrators, and other professionals in the humanities from around the nation. In FY 1989, the Endowment used more than 1,100 panelists who came from all 50 states plus the District of Columbia and Puerto Rico.

It is our general policy that in a given fiscal year, an individual may serve on no more than two panels throughout the whole Endowment and on no more than one panel within a single division. In addition, the Endowment tries to have each ad hoc panel consist of new as well as former panel members. We think that this policy achieves a balance between the need to have a continuous fresh supply of new participants in the review process and the need to have a nucleus of experienced veterans who know how the system works.

Each program division of the Endowment has the authority to select the individuals who serve on its panels. Under the supervision of the director and other senior staff of the division, the selection and invitation of panelists generally are the responsibility of the staff member in charge of the program for which applications are to be reviewed. The standing panels in the Education Division, however, operate more closely to the NEA model, with wider staff consultation in the selection of panel members.

A number of basic policies governing panel selection and operation apply to all programs throughout the agency, such as: Each panel will consist of no fewer than five and no more than eight individuals; all panelists are to receive in advance of the panel meeting a copy of the Endowment's conflict-of-interest statement; and all panelists are to submit a written evaluation of each proposal, a record of any change of recommendation they may make as a result of the meeting, and a written explanation for any such change.

13. *National Heritage Preservation Program*

Question: As one who is especially interested in the training of conservators, could you please elaborate as to how funds in the National Heritage Preservation Program can be used "to establish national training programs for conservators of material culture collections"—taking a phrase from the program guidelines?

Answer: The House Appropriations Subcommittee on the Department of the Interior and Related Agencies, in its report accompanying the FY 1990 appropriations bill, recommended the establishment of a new program to preserve endangered material culture collections at repositories in the United States and specified that this program was to include support for "professional conservation training to address the needs of these collections." We agree with the Subcommittee that it will be important to build a trained corps of professional conservators as this new initiative moves forward.

At the present, however, we are not certain how we will proceed in this area. In the early stages of this initiative we are concentrating our efforts on the primary purpose of the program—which is to make awards to institutions to stabilize their collections. After the first round of these awards is made in August, we hope to develop specific guidelines to invite institutions to submit proposals to establish education programs to train material culture conservators. What we have in mind now is funding training projects similar to the one we have supported for a number of years at Columbia University's School of Library Service that is training professional preservation administrators and conservators of library and archival materials. With funds from NEH, Columbia offers stipends to students to attend a comprehensive course of studies in the management of preservation and conservation problems. Grant funds also support the program's preservation administrator faculty position and the school's visiting instructors program.

14. *Data Collection: Humanities Enrollments*

Question: It is my understanding that the most recently published information from the NEH on enrollments in the humanities is a report titled "Undergraduate Enrollments in Humanities Courses: 1980 and 1985." I also understand that another report based on a 1988 survey will be coming out soon. Bring me up to date on plans for releasing this latest report on enrollments in the humanities. What time period will be reflected by the data in this report? Are there other steps that NEH could take to make more of such information available to humanities administrators in the field?

Answer: The new survey collected data on humanities enrollments in the fall of 1988. The report on the survey, due out later this spring, will describe 1988 enrollments in major humanities fields and will compare the 1988 findings with those of 1985 and 1980, thus giving us a comprehensive view of shifting enrollment patterns in the 1980s.

The reports that result from these surveys are routinely provided to administrators on over 1,000 college campuses. The new enrollments survey will be distributed in the same manner. In addition, presentations will be made at next year's annual meetings of the Association for Institutional Research and the American Educational Research Association to make survey results available to a broad audience of institutional researchers. Higher education survey data are also disseminated through NEH's own publications, such as Humanities in America (a report distributed to over 40,000 organizations and individuals). And finally, we will include a comprehensive set of enrollment tables in our forthcoming Humanities Deskbook, a publication that will be provided to the Committee and will be available at cost to any interested humanities administrator.

15. *Chilling Effect*

Question: Has the controversy over certain grants made by the Arts Endowment had any spill-over "chilling effect" within the humanities community?

Answer: No.

RESPONSE OF LYNNE V. CHENEY TO A QUESTION ASKED BY SENATOR SIMON

Question: How do you view the relationship between the National Endowment for the Humanities and the state humanities councils?

Answer: The 53 state humanities councils assist with the Endowment's mandate to serve citizens in every part of the nation. They have been particularly helpful in alerting NEH to problems facing the teaching and learning of the humanities in the states—and to possible solutions. For instance, several state councils took the lead in sponsoring reading and discussion programs of humanities works in public libraries. This highly successful model has been replicated by many other state councils and by the Endowment itself, which offers similar programs in the Division of General Programs.

Each state council benefits from the peer review of its applications to NEH. The advice provided by panelists and reviewers with extensive experience with the operations and programming of state humanities councils helps each council concentrate on the strengths and weaknesses of its programs, leading to improved humanities programming throughout their state.

Senator PELL. Dr. Gregorian, we welcome you here, President of Brown University. From the viewpoint of people seeking admission, Brown has a higher turn down rate than any other university in the Nation.

I congratulate President Gregorian on his presidency of Brown. He is a good friend and we welcome him here.

STATEMENT OF DR. VARTAN GREGORIAN, PRESIDENT, BROWN UNIVERSITY, PROVIDENCE, RI

Dr. GREGORIAN. Thank you very much, Senator.

Chairman Pell, Senator Kassebaum, members of the committee, I am Vartan Gregorian, President of Brown University.

I am grateful for this opportunity to speak today about the National Endowment for the Humanities. I am speaking not only in my capacity as President of Brown University, but also, on behalf of the Association of American Universities as well.

First of all, I would like to also extend my congratulations to Lynne Cheney as Chairman of the National Endowment for the Humanities and to extend our offer on behalf of AAU as well as Ivy League and other universities to cooperate with her for continued progress of the humanities in this Nation.

Perhaps no one in the Nation, and it is an exaggerated statement and intended to be so, has been involved with the National Endowment as I have been during the past 15 years.

I have worked with every program of the National Endowment for the Humanities, State programs, Division of Fellowships, Preservation Programs, Challenge Grants, Division of Research, general programs, as well as Division of Education Programs.

I have also served in my capacity as Professor of History, Dean of the Faculty of Arts and Sciences at the University of Pennsylvania, as President of New York Public Library, in addition, as a member of the John Paul Getty Trust, the Institute for Advanced Study, Institute for International Education, and International Research and Exchange Board.

Therefore, I have first hand knowledge about the accomplishments of the humanities and National Endowment for the Humanities.

That is why, Mr. Chairman and distinguished members of the subcommittee, I have come today to hail the mission, the programs and the record of NEH and to urge you to reauthorize the continuation and needed budgetary support as well.

I do this with conviction and enthusiasm. It is a conviction broadly shared not only by the academic world, but by the general public as well.

During the past 25 years, the National Endowment for the Humanities has done justice to its mission and accomplished a superb record. It has also enjoyed bipartisan and nonpartisan support.

There are many quotations I have in my testimony. I dwell on one them especially because not too many people expect it coming from President Reagan, but he did say in 1983 that, "Humanities are crucial to the vitality of our Nation's educational and cultural life and to the maintenance of our civilization." I concur with that statement.

Humanities are not a peripheral adornment to our technological culture. For beyond the curricular techniques and modes of thought and analysis lie the larger philosophical problems that do preoccupy us today.

Therefore, the study of humanities should give us awareness of our times and the nature of the human predicament.

Humanities are in their very nature moral agents in the larger sense of Matthew Arnold's definition of morality. For they stand for the application of ideas to life. Their implicit aim is to make us more human and humane.

I would like, however, to dwell on several points. No. 1 is, time and time again we have to remind ourselves, especially on the eve of the bicentennial of our Bill or Rights—and I would like to remind us that while we welcome the Government's role in supporting the humanities, arts, and sciences, nevertheless, academic freedom is and must remain the central policy of the American universities.

Thomas Jefferson was an early proponent of intellectual freedom as the foundation of the modern university. "The University of Virginia", he said, "would be based on the illimitable freedom of the human mind. For here, we are not afraid to follow truth, wherever it may lead, nor to tolerate error so long as reason is left free to combat it."

Even though Jefferson was unable to implement that freedom fully at the University of Virginia, throughout the last two centuries American universities with various degrees of success have attempted to uphold the principles of free inquiry and the tenets of academic freedom.

We must struggle to maintain these principles. We must maintain the integrity of scholarship, the independence and objectivity of scientific research, and the freedom of artistic creativity.

The public must understand that universities of our Nation must be the guarantors of the First Amendment. The courts alone cannot guarantee the First Amendment and the right of free speech.

The university must remain a sanctuary for ideas, even unpopular ones. We cannot and we will not compromise on this principle. Freedom of speech cannot be rationed. It cannot be dispenses piecemeal. Rather, it is a single entity that belongs to all.

The hallmark of a university must not be a little bit of intellectual freedom, not freedom behind closed doors, not freedom just for liberals or just for conservatives, or just for radicals, or for organized groups, but as Bertrand Russell put it, "for a minority of one as well."

The free discourse and debates fostered in our universities and scholarly and scientific research is our best hope for nurturing in each succeeding generation a respect for the right of each individual to form, espouse, and defend his or her beliefs and thoughts.

The university must encourage the examination and challenges of all ideologies, theories, thesis, and assumptions. To resolve such debate is not the point; simply to have them is exactly the point.

Charles W. Eliot, one of the foremost American educators of his time, observed with great eloquence that, "The very word education is a standing protest against dogmatic teaching. The worthy fruit of academic culture is an open mind trained to careful thinking, instructed in the methods of philosophic investigation, acquainted in a general way with the accumulated thought of past generations and penetrated with humility."

Freedom of thought, freedom of speech, and freedom to publish and disseminated are fundamental features of a true and open democratic society.

That is why it is very important for us on occasions of this sort to repeat what former President of Princeton, President Dodds, that, "Ideas should not be safe for students, but students should make safe for ideas."

I therefore welcome and strongly support the view expressed by President Bush when he said that he does not "know anyone in government that should be set up to censor what you write or what you print or how you express yourself."

As far as my recommendations are concerned, I will be very brief. First, I think the National Endowment for the Humanities should be reauthorized and its funding, if possible, should be expanded and I welcome its major role in our secondary education as well as higher education in developing curriculum and text.

Second, I believe that the challenge grants, which have played such a great role, should be expanded in order to allow other institutions to take advantage of it.

Third, I believe that NEH has played a major historical role in preservation of our Nation's heritage in democratizing access to it and nationalizing that knowledge for us and for the world and that role should continue.

I agree with my distinguished colleague, Ted Ziolkowski, Dean of Princeton University, that major institutions of this country such as my former institution, Newberry Library, and many associations as well as centers which happen to be in the wrong parts of the country should not be punished because of their location and historical accumulation of knowledge, which is essential for the humanities.

Last, but not least, in the question of NEH's Regrant Program, as a member of the Institute for Advanced Study Board, I can attest it was a very difficult decision to turn back a block grant because we valued the regrant procedures as previously existed. They are based on peer group review and equal review. They are subject to scrutiny and accountability without being intrusive.

Lynne Cheney has not been intrusive and the NEH council has not been intrusive, we but were afraid they may be asked to be intrusive and I certainly recommend that we grant Lynne Cheney's request.

My distinguished colleague, John D'Arms of the University of Michigan will be talking about dissertation fellowship. It is very important at a time when American professoriates will be retiring and will be needing—in growing numbers—more and more professors in humanities, sciences, and elsewhere. Whereas National Science Engineering as well as NIH provide doctoral training, humanities does not provide dissertation fellowships. As a result, it takes 8 years on average for people to finish their Ph.D. and we would like to shorten that period by assisting dissertation through dissertation fellowships.

Finally, Senator Kassebaum, as a member of the International Research and Exchange Board, I am fully aware and delighted in your interest that Eastern Europe and the U.S.S.R., as well as a combination of Western Europe. The unity of Europe and the resurgence of the Pacific Basin highlight the importance of our knowledge of global affairs, foreign languages, and preservation of humanities culture and benefiting from our ideas, our traditions.

In conclusion, during the past 25 years, the National Endowment for Humanities has performed well. It deserves to be reauthorized. It deserves to be commended, but I would like to stress one point also for my fellow colleagues and others, we should not trivialize and marginalize the work and accomplishments of our scholars and teachers. In an open and democratic society ideological conflict, scholarly controversy, discussion of fundamental political and esthetic issues, differences in educational and pedagogical philosophies should be welcomed and not be avoided for the sake of so called orthodoxy.

If humanistic learning and teaching are not lively, the essential public debate will not be lively. If so, the substance of democracy itself will suffer.

That is why as humanists, one of my colleagues wrote, we are one house with many rooms and we should not destroy the house because it has many rooms.

Therefore, I would like to thank you for this opportunity and sorry I took 7 minutes instead of 5 minutes, but I will be happy to answer your questions. [Laughter.]

Senator PELL. Thank you very, very much. I am glad you recall when you were here in 1984 and I hope you will be here many, many more times.

I agree in general with all you have said except on one point which I would like to explore. That is a question of using the Endowment of the Humanities to help people complete their thesis and get their Ph.D. degree.

One of the ideas we had in setting the Humanities up 25 years ago, was that we should not get into the field of orthodox scholarship. NEH funds were not to be used as a means to achieve the Ph.D.

For that reason I would be a little skeptical of your approach on this and wonder what your reactions are.

Dr. GREGORIAN. Senator Pell, I will be yielding to my colleagues in all fairness because their central testimony is this very issue, but I will say, at the time that you passed the legislation there was the National Defense Act and others that supported humanities. The Department of Education supports humanities.

Now if I am not mistaken, only 2 percent of graduates support in humanities dissertation and research on that level come from Federal sources, only 2 percent and declining. Whereas in engineering and others, it is 18 and a half percent in some areas, life sciences 20 percent, and so forth, but I would like to yield on that, if you do not mind, Senator, to my colleagues who will be testifying on that very issue.

Senator **Pell**. Certainly.

Do you regard the restrictive language in the FY 90 appropriations bill as having any kind of chilling effect in the humanities community as well?

Dr. **Gregorian**. I think it is unnecessary, Senator, as we are free country. The first book that I read when I came to the United States as a freshman in 1956 was Elmer Davis' But We Were Born Free, and I think, with one or two exceptions, one should not tie the hands and create another bureaucracy for revising and wasting the money of tax payers when it is completely unnecessary.

Lynne Cheney, the Endowment, and others, her predecessors have done a superb job through peer review accountability and others and we should not waste their time and the time of our eight scholars in order to be censors, but rather evaluators, good evaluators and we should not because of one-tenth of one percent of controversial materials try to create intrusive legislation which will hurt both the humanities and the arts in my opinion.

Senator **Pell**. Thank you.

Now when you were the President of the New York Public Library, you played a key role in helping establish what has become the Office of Preservation at the NEH where funds are now available for microfilming books and preserving them.

Are you talking about microfilming as the best process or the technique used by the Library of Congress where they put the books in a sort of gas chamber to remove the acid?

Dr. **Gregorian**. Senator, there are plenty for all the methods to do it. [Laughter.]

Frankly, 77 million books now are on the verge of being lost, not titles, but volumes and whoever offers the best technology should be helped. In the meantime, we have undertaken nationally a microfilming project and if the test of the Library of Congress succeeds, some other organizations also testing will undertake that method of preserving the books of our heritage.

Senator **Pell**. Maybe there is room here for the NEH to move in and coordinate these activities because, as vice chairman of the Joint Committee on the Library of Congress, former member of the National Historic Publications and Records Commission, and having been chair of this oversight committee for many years there is very little relationship between these different programs. It comes to my mind now that the Humanities Endowment might take a lead role here and see what is being done in the other branches of the government.

Dr. **Gregorian**. The National Endowment for the Humanities has taken a major leadership role and through the Commission on Preservation and Access, there is lots of coordination for the first time, which we did not have in the past. So we are grateful to the Endowment and we are trying now to encourage the Library of Congress as well as Harvard Library and others to cooperate nationally with this effort.

Senator PELL. Well, I will then direct my staff to put into the record at this point the list of members of this group you just mentioned and what their mandate is because I think it will help us in the legislation as we move ahead.

[The information referred to follows:]

PREPARED STATEMENT OF THE COMMISSION ON PRESERVATION AND ACCESS

The Commission on Preservation and Access is a private, nonprofit organization acting on behalf of the nation's libraries, archives, and universities to develop and encourage collaborative strategies for preserving and making available the increasing portions of our deteriorating published and documentary record.

To carry out its agenda, the Commission's role is one of exploring, catalyzing, coordinating, integrating, and advocating, rather than operating programs. Thus, it works primarily through existing institutions and maintains only a small staff.

In a 1986 planning meeting, representatives of higher education envisioned the Commission as a matrix "providing an ordered place for existing components and seeking to supply the elements required to fill the gaps." Today, with an elected governing body of 13 university officers, librarians, and representatives of affiliated organizations, the Commission is expected to "develop and carry out the plans and procedures that will enable libraries and preservation specialists to expand and integrate present preservation work." [From Brittle Books, Reports of the Committee on Preservation and Access, Council on Library Resources, Washington, DC, 1986.]

As it interprets and acts on this broad charge, the Commission's objectives continue to evolve as needs change and goals are achieved.

The initial objective is to save a portion of endangered materials from the past through the Brittle Books program, a coordinated, large-scale, 20-year plan to reformat one-third of the ten million brittle books in our nation's libraries. This cooperative effort, which began in 1988, was targeted for Commission attention because of the size and urgency of the problem: The magnitude of endangered paper materials had become so enormous that not everything could be rescued. Reformatting on microfilm was judged the most timely, cost-effective option for preserving their contents. In 1990, the Brittle Books program is well underway, with cooperation from a variety of institutions and funding from both private and public sources. Operating in tandem with the Brittle Books program—as well as other preservation activities—are investigations into how to select materials for preservation. Also tied closely to the Brittle Books program are a number of newer technical explorations into linking the microform storage format with alternative access formats such as durable paper, disks, and machine-readable files.

Improvement in the quality of materials being produced now and into the future is a continuing Commission objective. In partnership with a growing number of constituencies including authors, paper companies, publishers, libraries/archives, and legislators, the Commission over the past two years has worked to encourage the use of acid-free paper for publications of enduring value. The Commission also promotes the adoption of standards for new formats used in the production of materials of enduring value.

Internationally, the Commission has initiated a program to work with several countries throughout Europe, as well as other parts of the world, to create a compatible, machine-readable, international database of preservation records and to ensure that the results of preservation efforts can be shared access across national boundaries. The Commission also is developing initiatives to help integrate preservation into the daily life of the nation's libraries and archives, since they ultimately provide the intellectual and operational support for the Brittle Books program and other efforts.

Expanding the public's access to preserved materials is a basic functioning principle for all the Commission's activities. As the number and type of reformatted preserved materials expands, the Commission will continue to stimulate new thinking about using emerging technologies and delivery systems to provide equitable access to these materials.

Commission Members: Billy Frye, Emory University (Chair); Millicent Abell, Yale University; Henriette Avram, Library of Congress; Patricia Battin, President, Commission on Preservation and Access; Richard De Gennaro, New York Public Library; James Govan, University of North Carolina at Chapel Hill; Vartan Gregorian, Brown University; Kenneth Gros Louis, Indiana University; Warren J. Haas, Council on Library Resources; Carole Huxley, New York State Education Department; Donald Lamm, W.W. Norton and Company; Sidney Verba, Harvard University; and William Welsh, Library of Congress (ret.).

Program Support: Amherst College; Brown University; Bryn Mawr College; University of California, Davis; University of California, Los Angeles; University of California, San Diego; University of California, Santa Barbara; University of Chicago; Cornell University; Emory University; Franklin and Marshall College; Hamilton College; Harvard University; Haverford College; Johns Hopkins University; Indiana University; Massachusetts Institute of Technology; University of Michigan; University of Minnesota; Mount Holyoke College; New York Public Library; New York State Library; Northwestern University; Ohio State University; University of Oregon; Princeton University; Smith College; Syracuse University; University of Texas, Austin; Vassar College; University of Washington; Washington University; Wellesley College; Wesleyan University; Williams College. The Council on Library Resources; The William and Flora Hewlett Foundation; The Getty Grant Program; The Andrew W. Mellon Foundation.

Staff: President: Patricia Battin; Program Officer: Maxine K. Sitts; Administrative Assistant: Pamela D. Block; Communications Assistant: Patricia Cece

Consultants: Rowland Brown, Henry Riecken, and Hans Rutimann

1990 Committees and Task Forces: College Libraries Committee; Scholarly Advisory Committees in Art History, History, Modern Language and Literature, and Philosophy; Technology Assessment Advisory Committee; Task Force on Environmental Conditions; Task Force on Preservation Education; Text-cum-Image Task Force

The National Advisory Council on Preservation—composed of representatives from 22 allied organizations committed to preservation—advises the Commission in its work.

The Commission is organized as a public charity under the 501(c)(3) tax-exempt provision of the Internal Revenue Service Code.

Senator PELL. One final question, if you were in our position and you had the opportunity to make any changes, what would you do in regard to the Humanities Endowment?

Dr. GREGORIAN. I would add more money to it. [Laughter.]

And I am not being facetious, Senator. It is the best spent money to cultivate ideas and to preserve our heritage.

As Havel addressed the United States Congress, ideas have far more importance in changing people's lives, raising their hopes then some other instruments that we have embarked upon.

Senator PELL. Well, if any other specific suggestion comes to your mind, drop us a line for the record.

Dr. GREGORIAN. I would also eliminate the regrant restrictions.

Senator PELL. You would what, I am sorry?

Dr. GREGORIAN. I would eliminate the regrant restrictions.

Senator PELL. Right. Thank you.

Dr. GREGORIAN. Thank you very much, Senator Kassebaum and Senator Pell.

Senator KASSEBAUM. Just a minute, Dr. Gregorian. [Laughter.]

I only have one brief question. Again, I was quickly looking over Mrs. Cheney's testimony to see if she had addressed it, since I did not hear it. But I would like to ask you because you have been involved in a number of fields.

I am a strong believer that the humanities at the college level and the graduate level suffer and simply are impossible if we have not developed a discipline of learning in the elementary and secondary fields of education.

I think the NEH has really helped bring some focus to this issue by various questionnaires that they have done. I have tried to answer some of them myself on occasion, and I always wonder if I would pass with the margin that I would hope.

I think this is where we are missing the bet, and I am not quite sure what NEH can do to strengthen history, particularly, in elementary and secondary education. I do not know if you have any thoughts on that.

Dr. GREGORIAN. Yes. When Chairman Cheney issued her report, I did comment and I do not mind to just one sentence summarize.

It is the same week that the Minister of Education of England issued a similar report recommending core curriculum for high school in England. That is necessary to provide a core knowledge, especially in sciences and humanities and social sciences because higher education, I have stressed, cannot be a remedial education. The first 2 years of our universities now by and large are used for remedial purposes to overcome the shortcomings of high schools.

As a result, most of our universities, I have advocated, have to take leadership roles in order to rescue our public education system and one of the ways of doing it is to help to revamp their humanities, social science, and sciences and by helping the teaching profession as well.

The Humanities Endowment has done a marvelous job in this, but the universities also have to be involved in this. I am delighted that thanks to Ted Sizer and the Coalition of Essential Schools, Brown University of 100 high schools in this country.

I am personally committed to that and I think it is very important for us in the Ivy League and major universities, Michigan and elsewhere, we should not take solid of the fact that just because we get 5 to 10 percent of the Nation's top high school students, because we are doing all right the rest of the Nation is doing all right.

I have said during the inaugural speech and subsequently on other occasions that we are responsible to assist and rescue our public school system. Without this rescue redress, our Nation will be weaker in the years ahead.

Senator KASSEBAUM. Thank you.

I am certainly pleased to hear you say that because I feel so strongly about it myself. I know that NEH is undertaking some new initiatives with that focus. I think languages and culture are very important, but they are a component of history.

As I look at some of the history textbooks today, there is a certain lack of strength there. Perhaps we just do not demand enough of students today. I think that, if we try to lower our expectations in the hope of having broader participation, we have lost a strength that we have always had in this country to strive for more and I think we are doing a disservice to students.

Dr. GREGORIAN. As a historian, I agree with you that we cannot substitute, however, survey for analysis and that is my main worry. We often think if we do it in a survey, we have done justice to it. Students should not come university not knowing where America is on the map or Vietnam is on the map, at least that much we should know.

Senator KASSEBAUM. Thank you very much.

Dr. **Gregorian**. Thank you very much.

Senator **Pell**. Thank you President Gregorian, for being with us, I'm very pleased you could be here.

[The prepared statement of Dr. Gregorian follows:]

PREPARED STATEMENT OF VARTAN GREGORIAN

Chairman Pell, distinguished members of the Committee, I am Vartan Gregorian, President of Brown University, and I am grateful for this opportunity to speak today about the National Endowment for the Humanities. I am speaking not only in my capacity as President of Brown University, but also on behalf of the Association of American Universities (AAU), an organization of 58 research universities with preeminent programs of research and graduate and professional education.

In 1965, the National Foundation on the Arts and the Humanities Act established two sister federal agencies, the National Endowment for the Arts and the National Endowment for the Humanities (NEH), each of which is authorized to make grants within areas defined by statute. The law defines the humanities as including, but not limited to, the study of:

> Language, both modern and classical; linguistics; literature, history; jurisprudence; philosophy; archaeology; comparative religion; ethics; the history, criticism, and theory of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of national life. (20 U.S.C. 952, Sec. 3 (a))

The act was amended to reauthorize its component Endowments in 1967, 1970, 1973, 1980, 1984 and 1985. This year it must be considered again for a five-year authorization cycle to continue programs of grants-in-aid for the arts and the humanities.

The National Endowment for the Humanities is the only federal agency dedicated to supporting the many aspects of the humanities—elementary and secondary education, colleges and universities, the media, museums, historical societies, libraries, individual scholarship, and community groups.

During the past fifteen years I have come to know intimately the HEN, its mission, its programs, its impact and its historical record. I may venture to say that I have had more involvement with all of its programs than almost anyone in this country. My varied experiences include first hand knowledge of:

> *State Programs*—I served on two state humanities councils (Pennsylvania and New York).
>
> *Division of Fellowships*—Leading faculty and scholars receiving fellowships for advanced research.
>
> *Preservation Program*—As President of the New York Public Library, and now Vice Chairman .of its Board of Trustees and as a member of the Governing Board of the Commission on Preservation and Access, I have been very active in this program indeed.
>
> *Challenge Grants*—Building endowment to strengthen institutional infrastructure and raising private matching funds in Pennsylvania and New York. Both as Dean of the Faculty of Arts and Sciences and Provost of the University of Pennsylvania and as President of the New York Public Library, I can attest to the major significance of these grants.
>
> *Division of Research*—Leading institutions conducting major collaborative research and cataloging projects.
>
> *General Programs*—As sponsor of such major exhibitions at the New York Public Library as Censorship, Liberty, the Bicentennial of the U.S. Constitution and many others, I can vouch for the crucial role of the NEH not only for making these exhibitions possible at the New York Public Library but throughout the nation as well.
>
> *Division of Education Programs*—Leading institutions in revamping curricula so as to better teach the humanities

In addition I have come to know the Endowment in my capacity as a professor of history at universities in California, Texas, Pennsylvania and New York. I have come to know the Endowment also as an administrator, as Dean of the Faculty of Arts and Sciences at the University of Pennsylvania and subsequently as Provost and for eight years as President of the New York Public Library. I have come to know the Endowment also as a Board Member of the J. Paul Getty Trust, the Institute for Advanced Study, International Research and Exchanges, the Institute for International Education, as an institutional member of the American Council of Learned Societies, the New York Center for Visual History, the John Carter Brown Library, and as a Fellow of the New York Institute for the Humanities, etc. In addition during the past 15 years I have come to know and appreciate the leadership and major contributions of four National Chairmen of the NEH.

I cite all of the above credentials and connections for the sole purpose of underscoring the fact that the variety of these experiences has enabled me to know first hand and to appreciate the many different ways in which the NEH has enriched our national life.

During these past twenty five years the real and potentialcontributions of the humanities to our national life are increasingly: recognized in the press and in government but more importantly among the American public. The need to improve the teaching of literature, history and language to our young people has been highlighted in numerous and widely publicized reports. There is growing recognition that needs in the humanities are not just the needs of universities, but also our entire high school system, and the general public as well. The teaching, research and public programs that NEH makes possible have become central to shaping the quality of our national discourse, as well as preserving our national heritage.

That is why, Mr. Chairman and distinguished members of the subcommittee, I have come today to hail the mission, the programs and the record of the NEH and to urge you to reauthorize its continuation and needed budgetary support. I do this with conviction and enthusiasm. It is a conviction broadly shared not only by the academic world but by the general public as well. During the past twenty five years the Endowment has done justice to its mission and accomplished a superb record.

The Endowment throughout its history has been scrutinized and won both federal bipartisan support as well as widespread non-partisan public support for its mission and programs. From its inception on, Presidents Johnson, Nixon, Ford and Carter, gave strong support for the Endowment as did the U.S. Congress.

In the 1980's the federal government's role in support of the humanities was once again examined thoroughly and endorsed effectively. For example a 1981 Heritage Foundation Report concluded that any future administration, whether it be Democratic, Republican or Independent, ought to have no difficulty in accepting the mandates of the NEH "to encourage scholarship and art of the highest quality" and the fact that the promotion of cultural and intellectual achievement is a proper object of national policy, essential to the maintenance of a healthy democracy and that "the legislative mandate for the National Endowment for the Humanities—rests on noble ideals which . . . (it) should uphold." The 1981 Presidential Task Force to examine the role and future of the arts and humanities established by President Ronald Reagan also concluded: "Our Federal government bears a responsibility for encouraging and protecting the arts and the humanities . . . There is a clear public purpose in supporting the arts and the humanities: the preservation and advancement of America's pluralistic cultural and intellectual heritage, the encouragement of creativity, the stimulation of quality in American education, and the enhancement of our general being."

Indeed President Reagan himself was on record for recognizing that "the humanities are crucial to the vitality of our nation's educational and cultural life and to the maintenance of our civilization."

In 1984 when I attended these hearings I was most impressed by a report provided by the National Humanities Alliance entitled *Priorities for the Humanities.* Among other things it quoted R.J. Tawney, one of my favorite authors, on Humanism:

> "Humanism has many meanings, for human nature has many sides. . . . There is the humanism of the age which the word is most commonly used to describe, the humanism of the Renaissance, with its rediscovery of human achievement in art and letters. And there is the humanism of the eighteenth century, with its confidence in the new era to be opened to mankind by the triumphs of science, and its hatred of the leaden obscurantism which impeded its progress. There is the humanism which contrasts man with the brutes, and affirms that he is a little lower than the angels. These different senses of the word have often been at war: History is scarred, indeed, with the contentions between them. It ought not to be difficult, nevertheless, for the apostles of the one to understand the other; for indignant though some of them would be at the suggestion, they are using different dialects of a common language."

The report concluded that:

> "The common language of humanistic disciplines is that of humankind: Our history, philosophy, and literature. This common language has survived shifting fashions of higher education, the disrepair of our artifacts and textual resources, the surge of interest in technological and business training, and practical problems of demography and economics. Through the vicissitudes of modern life, our humanistic language remains vibrant, vital and relevant, speaking to us of values and ethics, where we have come from, who we are, and the human scale of our world."

I concur with that assessment.

Humanities are not a peripheral adornment to our technological culture. For beyond the curricular techniques and modes of thought and analysis—lie the larger philosophic problems—which pose insistent pragmatic questions.

The Humanities do not solve all the mysteries for us, but they do and ought to help us organize our world.

If I were to define the humanities in a single sentence, I should say that they are the studies which find meaning in experience.

Humanities leads us to growing awareness of our social consciousness, as well as aesthetic sense, to reason as well as compassion—human dignity as well as human predicament—to outlets not only to individualism but to humanism as well.

The study of humanities should give one a quickened awareness of own times and the nature of the human predicament today.

Humanities must give us a sense of being part of history—to make us aware of the complexity of human life, diversity of humanity, to allow us to see ourselves in historical perspective.

Humanities are in their very nature moral agents—in the large sense of Matthew Arnold's definition of morality. For they stand for the application of ideas to life. Their implicit aim is to make us more human.

I would like to remind us that while we welcome the government's role in supporting the Humanities, Arts and Sciences, nevertheless, Academic Freedom is and must remain the central policy of the American universities. Thomas Jefferson was an early proponent of intellectual freedom as the foundation of the modern university. "The University of Virginia," he said, "would be based on the illimitable freedom of the human mind. For here, we are not afraid to follow truth, wherever it may lead, nor to. tolerate error so long as reason is left free to combat it." Even though Jefferson was unable to implement that freedom fully at the University of Virginia, throughout the last two centuries American universities, with various degrees of success, have attempted to uphold the principles of free inquiry and the tenets of academic freedom. We must struggle to maintain these principles: We must maintain the integrity of scholarship, the independence and objectivity of scientific research, and the freedom of artistic creativity. The public must understand that the universities of our nation must be the guarantors of the First Amendment. The courts alone cannot guarantee the First Amendment and the right of free speech. The university must remain a sanctuary for ideas—even unpopular ones. We cannot and we will not compromise on this principle. Freedom of speech cannot be rationed; it cannot be dispensed piecemeal. Rather it is a single entity that belongs to all. The hallmark of a university must not be a little bit of intellectual freedom, not freedom behind closed doors, not freedom just for liberals or just for conservatives or just for radicals or for organized groups, but as Bertrand Russell put it for "a minority of one."

The free discourse and debate fostered at our universities and scholarly and scientific research is our best hope for nurturing in each succeeding generation a respect for the right of each individual to form, espouse, and defend his or her beliefs and thoughts. The university must encourage the examination and challenges of all ideologies, theories, theses, and assumptions. To resolve such debates is not the point; simply to have them is exactly the point. Charles W. Eliot, one of the foremost American educators of his time, observed with great eloquence:

> The very word education is a standing protest against dogmatic teaching . . . The worthy fruit of academic culture, is an open mind, trained to careful thinking, instructed in the methods of philosophic investigation, acquainted in a general way with the accumulated thought of past generations and penetrated with humility.

Freedom of thought, freedom of speech, and freedom to publish and disseminate are fundamental features of a true and open democratic society. Justice Hugo Black pointed out so forcefully that: "Freedom of speech, press, petition and assembly guaranteed by the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish."

In two landmark cases in 1957 and in 1967 the Supreme Court reaffirmed these principles as they relate to the university:

> "To impose any straitjacket upon the intellectual leaders in our colleges and universities would imperil the future of our nation. . . Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity, and understanding; our civilization will stagnate or die." [*Keyishian v. Board of Regents*, 385 U.S. 589]

The alternatives are Orwellian, and therefore unacceptable. As Nien Cheng wrote about the "cultural revolution" in China [in her book *Life and Death in Shanghai*], "When the penalty for speaking one's mind is so great, nobody knows what anybody else thinks."

At our universities, we want to know, we need to know what everyone thinks. To think without prejudice and to teach without fear are central to the mission of our university. In the words of President Dodds of Princeton: "Ideas should not be made safe for students but students should be made safe for ideas."

I therefore welcome and strongly support the view expressed by President Bush when he said that he does not "know anyone in government that should be set up to censor what you write or what you paint or how you express yourself."

RECOMMENDATION

As a university President and as an historian, I commend the NEH, its Chairman, Council and staff for their commitment to strengthen the curriculum of our secondary schools and universities in the realm of the Humanities. To strengthen the infrastructure of our educational system is of the utmost importance.

The NEH must continue to support the research of both university-based and independent scholars. We must do this on the basis of time-tested and time-honored peer group reviews, with a view of guaranteeing the independence, the integrity and the quality of proposals.

The existence of the NEH's Challenge Grants Program is a result of Congressional recognition that the humanities would be well served not just by support for projects, but by strengthening the financial underpinnings of the institutions where the humanities thrive. The Challenge grants program has been enormously successful, and remains in great demand. The annual success rate of applicants is only 20% and even successful applicants do not always receive the full amount requested. I firmly believe that the kind of basic, substantial support that Challenge Grants provide does as much to contribute to the health of the humanities in this country as do some specialized projects. I recommend the expansion of Challenge Grants funding so that the opportunities for other institutions to receive these grants will be more numerous and more substantial.

The NEH has played a crucial and commendable national role in the realm of preservation. In saving our nation's and humanity's heritage from the ravages of acid paper and time, the NEH is not only rescuing that heritage but also is democratizing that heritage and making it accessible to scholars and the general public throughout the nation and the rest of the world. The national leadership role of the NEH should continue.

My distinguished colleague, Professor Theodore Ziolkowsky, the Dean of the Graduate School at Princeton University, in his testimony will draw your attention to an issue which is dear to me. My views on this subject are well known to you through prior testimonies of mine. It deals with the NEH's support of the infrastructure of major national institutions, such as the New York Public Library, the Newberry Library, the John Carter Brown Library and many other independent research libraries as well as societies that hold major national collections, such as the American Antiquarian Society, the American Philosophical Society, or centers for advanced study such as the Institute for Advanced Study, the American Schools of Oriental Research and the National Humanities Center or organizations that facilitate scholarly work such as the American Council of Learned Societies and the Social Science Research Council.

The number of institutions that compose this important national infrastructure are not numerous nor unfortunately are they broadly distributed geographically. They are essential however to the strength of America's scholarship in general and that of humanities in particular.

These institutions don't want and do not have to have funds for "innovation." They do need crucial ongoing support for doing what they are good at, to collect, to preserve, and to make accessible vast resources to our scholars, our students, and the American public.

Congress should give serious consideration to the continued health and ongoing support of these institutions. Such a support in the long run will be both rational, economic and non-duplicative.

The NEH's Regrant Program was and still is one of the most innovative as well as non-costly mechanisms through which NEH provided national support for scholarships in the realm of humanities. This was done and still is being done on the basis of thorough and rigorous review of grants and competition. Peer review, scrutiny, accountability have been the hallmark of such regrants. These regrants are done through reputable national institutions.

They have been the means through which the NEH has provided services that it is often not properly equipped to carry out (e.g. scholarly exchange programs). The removal of authority from regrant institutions to give direct grants and instead allowing them merely to recommend to NEH for its approval—is both costly, duplicative, and unnecessary. The NEH Chairman should be given back the authority to make awards to private institutions as well as organizations who on the basis of NEH regular review process and previously agreed upon criteria and procedures should have the responsibility to regrant funds and fellowships. I recommend this even though the procedures, so far, have not been intrusive, thanks to Lynn Cheney, the Chairman of the NEH, and the NEH Council.

My distinguished colleague Dean John D'Arms of the University of Michigan, who will be testifying on behalf of the Association of American Universities and the National Humanities Alliance will speak among other subjects on behalf of graduate education. His cogent thesis is that "the education of future scholars must be carried out simultaneously with the support of current research and scholarship." He points out that there are disturbing trends in the Humanities education, particularly at the graduate level, where due to lack of resources more and more individuals are taking a longer time to complete their doctorates. Currently, humanities doctorate recipients receive an average of two and a half percent of their support from the federal government, compared with 20.8 percent of support in the life sciences, 16.8 percent of support in the physical sciences, and 14.3 percent in Engineers.

Within the next decade or two our nation's institutions of higher learning will be needing to replenish the ranks of our professoriate in the many disciplines of humanities.

There is a national call on the part of educational leaders, foundation leaders, as well as such leaders as the President's Science Advisor and the Director of the National Science Foundation that we must assist in the education and training of our next generation of leaders in the academy as well as industry and government.

I concur with Dean D'Arms and my other colleagues in the American Academy, that a moderately funded dissertation fellowship program would be beneficial to the promotion of the cause of scholarship and teaching in the humanities. A national alliance is needed between governmental agencies and private foundations to see that such a plan is national in scope and meets the long-range needs of the American higher education and the public.

Finally, events in Eastern Europe and the U.S.S.R, the developments in western Europe and the impending economic and political integration of western Europe by 1992, the economic resurgence of the Pacific Basin—all of these highlight the importance of ideas, our knowledge of foreign cultures, foreign languages and institutions and traditions. The research and teaching in the humanities within the global context has assumed added urgency and importance. NEH and our institutions of higher learning have no choice but to internationalize our focus and our scope.

IN CONCLUSION

During the past twenty five years the National Endowment for the Humanities has performed well. Its record is good and its accomplishments are great on behalf of education, scholarship, and knowledge, and preservation of our nation's and humanity's heritage and democratizing access to information and knowledge.

The National Endowment for the Humanities has emerged as the most important single U.S. source of funding and often leadership in the realm of the humanities.

The structural importance of the Humanities in American life is a fact, both from within and outside of our academic groves.

We should not trivialize and marginalize the work and accomplishments of our scholars and teachers. In an open and democratic society ideological conflict, scholarly controversy, discussion of fundamental political and esthetic issues, differences in educational and pedagogical philosophies should be welcomed and not to be avoided for the sake of "orthodoxy." If humanistic learning and teaching are not lively, the essential public debate will not be lively. If so, then the substance of democracy itself will suffer.

As a colleague of mine wrote recently: "We, the humanists, are doing well, our house has innumerable rooms and we have nothing to apologize for. Humanistic knowledge with all of its ambiguities, contradictions, inconsistencies, and as diverse as it may be, is necessary for the health of our democracy and the free exchange of ideas."

The National Endowment for Humanities deserves your continued support, your appreciation and reauthorization. Its task and mission have not been finished. The nation needs it.

Senator PELL. Next we will have a panel with Dr. John D'Arms, Dean of the Horace Rackham School of Graduate Studies at the University of Michigan; Dr. Andrew Debicki, Director of the Hall Center for the Humanities, University of Kansas; and Dr. Theodore Ziolkowski, Dean of the Graduate School of Princeton University.

I thank you all for being with us. Because of the exigencies of time, we would appreciate it if you would try to limit yourselves to about 5 minutes. Senator Kassebaum and I are both handling the Vocational Education Bill at 12 o'clock on the floor.

Dr. D'Arms.

STATEMENTS OF DR. JOHN D'ARMS, DEAN, HORACE H. RACKHAM SCHOOL OF GRADUATE STUDIES, UNIVERSITY OF MICHIGAN, ANN ARBOR, MI; DR. ANDREW DEBICKI, DIRECTOR, HALL CENTER FOR THE HUMANITIES, UNIVERSITY OF KANSAS, LAWRENCE, KS; AND DR. THEODORE ZIOLKOWSKI, DEAN, GRADUATE SCHOOL, PRINCETON UNIVERSITY, PRINCETON, NJ

Dr. D'ARMS. Mr. Chairman, I am John D'Arms, and Senator Kassebaum, present Professor of Classical Studies of History and Dean of the Graduate School for the last 5 years at the University of Michigan where I have been teaching undergraduates and graduate students for 25 years.

I am a graduate of your institution, Senator Pell, and a loyal laborer in the vineyards at yours, Senator Kassebaum, and I have also been Director of the American Academy in Rome for 3 years where NEH fellowships were an enormous addition to the lives of young American scholars who were trying to understand something about Italy and Italians.

It is a pleasure to testify today on behalf of both the Association of American Universities and the National Humanities Alliance.

You have copies of my written testimony, which I intend merely to summarize briefly.

I, first of all, wish to express our very strongest support for the reauthorization of the National Endowment for the Humanities and to add my congratulations to those of others for the work of Chairman Cheney.

I would really hope that the question before this committee is not so much whether the National Endowment for the Humanities should be reauthorized, but rather, what sort of an Endowment a reauthorized NEH will be.

In that connection, I want briefly to express support for three objectives. First, for continued and expanded National Endowment for the Humanities efforts to sustain through its process of scholarly peer review serious and thoughtful research in the humanities.

Sustaining serious scholarly research in the humanities and here the NEH has taken a national lead has helped to connect the learning of scholars to the learning of students and by so doing has forwarded a spirit of open, critical inquiry which is both civic and humanizing.

Second, I would like to speak in favor of a program of research support for graduate students during the final phase of their doctoral education, the dissertation phase.

We believe very strongly that the NEH should establish a dissertation fellowship program. We see such a program as a natural extension of current NEH efforts to support humanistic research.

Because graduate education, as the National Science Foundation and other Federal agencies have long recognized, is really the reproductive system of scholarship and we are concerned about the fertility of that system.

The research of graduate students in collaboration with their faculty mentors ensures the continuity and advancement of learning from one generation to the next.

The doctoral dissertation represents the first significant research effort of young humanists and as such it seems to us wholly appropriate that it be supported by the single Federal agency charged with promoting humanistic research.

Now in advocating such a program we recognize that we may disagree with others. I would simply like to remind us that, first, many see a major faculty shortage coming, serious lack of sufficient Ph.D.'s. I want to emphasize that this view is now shared by virtually all policy analysts, both those inside universities as well as those outside them. We feel this very strongly.

Third, whatever the magnitude of the coming Ph.D. faculty shortages, whether it be small or great, and reasonable people will disagree, a dissertation fellowship program in the humanities is a critical national need.

Over the past 15 years, as both the Federal Government and most private foundations have massively retreated from the support of graduate education, it has been the individual students, through loans and employment outside of academy and the universities themselves, which have picked up the slack.

In my own graduate school at the University of Michigan, students in english, philosophy, history of art come before me frequently telling me that their time to degree, perhaps 7 or 8 years, has been slowed by the need to spend more time teaching undergraduates and these are poor, young people. They need some help.

Finally, data collection; in the 1985 reauthorization language Congress directed the NEH to develop a practical system of national information and data collection on the humanities, trends in the various humanities fields. We applaud such steps as the NEH has in fact taken, but we think to establish a system with consistent standards of collection, analysis and dissemination from year to year, comparable to that which the National Science Foundation has managed in another Federal agency really assessing our national capacity is very important indeed.

Thank you very much, Senators, and I would be happy to answer any of your questions.

Senator PELL. Thank you very much indeed.

[The prepared statement of Dr. D'Arms, responses to questions asked by Senator Pell and additional information follow:]

PREPARED STATEMENT OF JOHN H. D'ARMS

Mr. Chairman and Members of the Subcommittee: I am John D'Arms, professor of classical studies and history and Dean of the Horace H. Rackham School of Graduate Studies at the University of Michigan. It is a pleasure to testify before you today on behalf of the Association of American Universities (AAU), an organization of 58 research universities with preeminent programs of research and graduate and professional education, and the National Humanities Alliance (NHA) and its membership of more than sixty scholarly and professional associations, organizations of museums, libraries, historical societies, higher education, and state humanities councils, and others concerned with national humanities policies. (A list of AAU and NHA memberships is attached.) I am pleased to have this opportunity to discuss the reauthorization of the National Endowment for the Humanities (NEH). I will discuss three specific issues that we believe need to be addressed during the reauthorization process: research, graduate education, and data collection.

I. RESEARCH

Throughout the history of organized human culture and thought, those intellectual activities subsumed under the humanities have been the critical means by which man has sought to understand the human condition—by studying and connecting our past with our present; by interpreting our creations; and by seeking to understand our place in the expanding universe. As our world becomes increasingly international and complex, the need for humanistic understanding of cultures, attitudes, and sensibilities other than our own has never been greater. As the boundaries of our world stretch beyond our planet, at a rate of change that is accelerating exponentially, the role of the humanities becomes all the more crucial in fostering an understanding of that charge, and in forging a civilizing accommodation with it.

Because the subject matter of the humanities expands and changes so rapidly, the interpretations and approaches of humanistic scholars must also change. Research and scholarship are the engines that drive this dynamic humanities enterprise: by incorporating fresh perspectives and developing new methods, scholars, through their books and articles in journals, contribute fresh investigation to the humanities. The NEH is the largest and most important funder of research and programming in the humanities in this country. William G. Sowen, an economist who is currently President of the Andrew W. Mellon Foundation and was previously President of Princeton University, undertook a study in 1988 in which he contrasted the support of humanities provided by NEH with support for these activities provided by the largest private foundations. He concluded that NEH is by far the most important single source of funding for the humanities in the U.S. today. "It is not exaggeration to say that the decision made concerning the budget for NEH (overall size and composition), and subsequent administration of the funds, have an absolutely decisive impact on the health and character of the humanities in America." Bowen's analysis showed that the 30 largest private foundations in the United States, taken together, make grants to the humanities in a given year that total less than half the funding provided by NEH.

Although a decade of nearly flat funding has left the Endowment in need of additional resources and faced with extraordinarily difficult decisions as to the best uses for its available funds, the NEH has nonetheless achieved a remarkable record of selecting and supporting work of the highest quality. The scholarly peer review process employed by the Endowment is at the heart of that success. We urge the Committee to recognize and underscore that success in a reauthorization of the Endowment by preserving and, where possible, strengthening the Endowment's capacity to support, through peer review, the highest levels of research and scholarship.

II. DISSERTATION FELLOWSHIPS FOR GRADUATE STUDENTS

The education of future scholars in the humanities must be carried out simultaneously with the support of current research and scholarship. The intimate relationship between research and graduate education is a defining characteristic of American universities; graduate education is the reproductive system of scholarship. But we have recently witnessed disturbing trends in graduate education that will affect humanistic research and scholarship. Over the past fifteen years fewer talented young persons have been enrolling in humanities graduate programs, and, while there are present signs that this pattern may be changing, those who have enrolled are taking substantially longer to complete their doctorates. The average registered time-to-degree—the time actually spent in a graduate program—is now 8.5 years, 3 years more than the average time of 5.5 years in 1968. The percentage of Ph.D.'s earned in the humanities has declined substantially: In 1973, humanities doctorates constituted 16 percent of total Ph.D.'s; by 1988, that percentage had dropped to 10.6 percent.

A major part of the explanation for both increased time-to-degree and decreased number of humanities Ph.D.'s is the lack of financial support for humanities graduate study. Since the demise of National Defense Education Act in 1973, federal support for graduate study in the humanities has hovered near zero: 1988 humanities doctorate recipients received an average of two and a half percent of their support from the federal government, compared with 20.8 percent of support in the life sciences, 16.8 percent of support in the physical sciences, and 14.3 percent in engineering.

Inadequacy of financial support for graduate students in the humanities need to be understood in a broader context: the reduced support for doctoral study in the humanities is only a more extreme case of a national overall decline in doctoral support. Across all fields, federally funded fellowships and traineeship have dropped precipitously, from approximately 60,000 in 1969 to less than 13,000 now. these remaining fellowships, roughly 900-less than a tenth-support graduate study in the humanities.

Unlike the situation in the humanities, the overall number of science and engineering Ph.D.'s has remained fairly constant over the last 15 years. However, the number of U.S. citizens earning doctorates has declined steadily. The deficit has been made up by steadily increasing numbers of foreign students, a source of needed doctorate recipients that is becoming less reliable as greater numbers of them choose to return to their home countries.

At the same time, the unstable supply of Ph.D.'s is on a collision course with increased demand. The combination of faculty retirements with other reasons of departure from the professoriate will produce strong, sustained replacement demands over the next 25 years. Beginning in the mid-90s, increased student enrollments will be superimposed on replacement demand to increase sharply the need for new faculty. If current trends continue to hold, there will be only eight candidates for every ten faculty vacancies across all arts and sciences disciplines by the 1997–2002 time period. According to the most reliable recent projections, shortages will be particularly severe in the humanities and social sciences, in which only seven candidates will be available for every ten faculty vacancies. And the nation cannot wait to act until these market forces begin to exert their pressures: since it takes over eight years to earn a Ph.D. in the humanities, the faculty who will be needed by the late 1990s should be entering graduate school now.

Although the precise magnitude of the projected divergence of supply and demand may be open to question, few analysts dispute that current trends will certainly lead to a shortage of Ph.D.'s that will be substantial and will have its impact on all disciplines and all markets: universities, industry, and government. Indeed, the President's Science Advisor, Allan Bromley, has expressed his concern about shortages in the sciences and engineering. Eric Bloch, the Director of the National Science Foundation, has called for a doubling of the National Science Foundation graduate fellowship program and an exploration of additional initiatives NSF might undertake to address this problem.

As is well known, graduate fellowships and traineeships are extremely effective in attracting talented students into doctoral programs, increasing retention rates, and shortening time-to-degree. For the humanities and related disciplines, the Jacob K. Javits Fellows Program in the Department of Education is the sole federal program that has as its express purpose attracting exceptionally talented students into graduate study in the arts, humanities, and social sciences. In its first six years of funding, the Javits program has amply demonstrated its capacity to accomplish that purpose; but even in its strongest year of funding (1988), the Javits program was able to support only 211 new students, about half of whom were enrolling in humanities graduate programs. Thus, the Javits program at its peak was supporting no more than 3 percent of those who earned Ph.D.'s in the humanities. Those of us concerned about the future of humanities teaching and scholarship hope to work with the Congress to expand that program to meet the urgent need for humanities faculty. (I should like to be able to say we hope to work with the Administration as well, but regrettably the Administration in its FY 1991 budget proposes to phase out the Javits program.).

Although we may have to rely solely on the Department of Education for the only available federal assistance in attracting new graduate students into doctoral programs, there is a special need for humanities graduate students that can and should be addressed by the NEH. For humanities graduate students, the most difficult point in securing financial support occurs at the point at which they are engaged in making their own first significant contributions to research—the dissertation stage.

The special difficulty faced by humanities doctoral students at this stage becomes clear when we consider funding patterns in other areas of graduate education. Federal support for graduate education is overwhelmingly concentrated in the science and engineering fields, primarily in the form of research assistantships as a component of federally funded research project grants. The chances of science and engineering graduate students being supported as research assistants improve during their graduate program, so that they have a comparatively high probability of being supported in such a manner while they conduct their dissertation research. In contrast, humanities graduate students support their doctoral study primarily through personal finances and loans, teaching assistantships, university fellowships, and work outside their academic program. None of these forms of support reliably carries them through the dissertation to degree completion. Increasing numbers of graduate students have already accumulated substantial loan indebtedness as undergraduates; a further reliance on loans at the graduate level is particularly difficult in humanistic fields where a longer period of time is required to complete the degree. Teaching assistantships and university fellowships are typically available for no more than three or four years. Nonacademic employment takes students out of their programs, resulting in lost time for carrying out dissertation research and completing the doctoral program. Some students are compelled to drop out of school altogether; although these students intend to save sufficient funds to return and complete their dissertations, a substantial percentage of them become locked into circumstances of employment and family that preclude returning to complete their degrees. That is a regrettable—and preventable—loss to the students and to society.

We believe strongly that the National Endowment for the Humanities should establish a dissertation fellowship program. The doctoral dissertation represents the first significant research effort of young humanists; as such, it is wholly worthy of support by the single federal agency charged with promoting humanistic research. A program in which support is awarded to exceptional students through annual national competitions could be managed by NEH with little or no alternation in its current administrative structure. NEH now funds research proposals submitted by faculty through merit-reviewed, national competitions. By administering a dissertation program principally as a research grant program and awarding fellowships through judgments of the quality of the proposed research, fellowship awards could be allocated through existing NEH mechanisms.

Even a modestly funded dissertation fellowship program would produce both direct and indirect benefits to the nation. First, it would provide critical support to a portion of the nation's most promising humanities graduate students, enabling them to complete their graduate work without delay. Second, it would send an important message to all humanities students and scholars: that the federal government acknowledges some responsibility for supporting the first research efforts of the next generations of humanities teachers and scholars, just as it acknowledges its role in encouraging the research of the current generation. Third, to provide additional resources for dissertation research will contribute to reducing the time required to complete the Ph.D. and to increasing the number of students who will in fact complete their programs. This will place more scholars into the system more rapidly and to that extent will blunt the impact of the impending Ph.D. shortage.

Two additional points should be made with respect to this recommendation for a dissertation fellowship program. First, additional resources must be provided to support this new activity; to fund such a program at the expense of research funding would defeat the purpose of providing NEH with the programmatic capacity to support both current scholars' research and the first research efforts of the next generation of scholars.

Second, responding to the impending faculty shortages is not the responsibility of the federal government alone. Indeed, the Association of American Universities has argued, as have I (see attached article from

The Chronicle of Higher Education), that the principal share of responsibility lies with the universities. To be sure, universities have steadily increased their own contributions to graduate student support in recent years, as the federal government and private foundations have reduced their commitments. But educational policies within universities also need to improve. Accordingly, the AAU has formally charged the graduate deans of its member universities, through the nation of Graduate Schools, to examine institutional policies governing doctoral programs and identify changes that can increase retention rates, shorten time-to-degree, and so move graduate students more expeditiously into faculty ranks.

In 1988, just under 3,000 humanities Ph.D.'s were granted to U.S. citizens. It would cost the federal government approximately $15M per year to provide one-fifth of those students one year of dissertation support. That is a cost that would simultaneously assist committed students at the most difficult point in their graduate programs and enrich the entire enterprise in future years. It would bring NEH policy into accord with reality by recognizing and supporting the intimate interrelationship between research and the final phases of graduate education.

What we are urging, in short, is collaboration and partnership. If both the government and universities respond in ways within their control and appropriate to their missions, we can together substantially improve the climate for humanities teaching, research, and scholarship and reduce the impact of the Ph.D. shortage that is fast approaching.

III. Data Collection

The remaining years of this century will bring rapid change to both research and graduate education. For public policy to anticipate and to respond as effectively as possible to those changes requires a comprehensive system of information collection, analysis, and dissemination. In the humanities NEH is the single federal agency charged to carry out such information activities. For most of the last decade, continuous debate on the meaning and meaningfulness of statistics on college and university enrollments in the humanities has highlighted the problem of the inadequacy of our data. To address this problem, Congress utilized the 1985 reauthorization to direct that NEH shall:

> In consideration with State and local agencies, other relevant organizations, and relevant Federal agencies, develop a practical system of national information and data collection on the humanities, scholars, educational, and cultural groups, and their audiences. Such system shall include cultural and financial trends in the various humanities fields, trends in audience participation, and trends in humanities education on national, regional, and state levels.

Congress went on to specify one mode of use for disseminating data and analysis produced by the practical system:

> Such system shall be used . . . to prepare a report on the state of the humanities in the Nation. The state of the humanities report shall include a description of the availability of the Endowment's programs to emerging and culturally diverse scholars, cultural and educational organizations, and communities and of the participation of such scholars, organizations, and communities in such programs.

We endorse Congress's formulation of the scope and nature of the federal interest in data in these areas, all of which are of great value not only to policymakers but also to scholarly, educational, and other public communities. Moreover, we applaud the important steps that the Endowment has taken in fulfillment of this change. Yet we believe that there remains much work to be done to develop a "practical system of national information and data collection" and to remedy the gaps in our knowledge that motivated this Congressional mandate.

In its formal response to this requirement, in December 1986, NEH stated, "The information we plan on using to conduct our assessment of the state of the humanities today is largely in place, and so we have proposed no new data collection projects as part of this system. . . . No additional funds will be sought for implementation of the system." To be sure, NEH has both collected data on the humanities and assisted others in doing so, but it has done so chiefly with particular occasions and purposes in mind. It has not undertaken to establish a system with consistent standards of collection, analysis, and dissemination from year to year, nor has it taken steps to provide ready and inexpensive access to the data it collects. For example, the Department of Education has developed data services that could serve as a model for NEH. The Department charges $150 for a data tape containing institutional enrollment figures; the company that currently collects and analyzes data for NEH estimated that purchase of a tape would cost more than $5,000.

The Endowment's judgment that the need for data that Congress recognized five years ago is now filled, therefore, seems to us premature. We urge that Congress reiterate the need for a comprehensive system of data collection and dissemination and allocate funds as they may be needed to enable NEH to carry out this mandate.

The Endowment is ideally situated to carry out this task, and we have no doubt that federal funds allocated for this purpose will richly repay society's investment.

The bulk of the funding NEH currently provides for data collection and analysis, through the Humanities Studies Program, appears to go to two agencies: the Department of Education and the National Research Council. But most of the information gathered by the Department of Education and by the NRC is aggregate data, applicable to the humanities collectively. Consequently, it provides little insight into trends in individual humanities departments and disciplines. Although the NEH has periodically funded specialized studies of individual humanities fields by nongovernmental agencies, it no longer appears to do so on a regular basis. Certainly, no advertised competitive grant program exists for this purpose (the *Overview of Endowment Programs* for January 1990 does not list the Humanities Studies Program as a grant-making program to which individuals or organizations may apply for funding). Yet, unless funding is available for such specialized studies, our empirical understanding of trends within the humanities will remain both sketchy and unhelpful. Three examples reinforce this point:

—We currently have longitudinal information on major fields of study planned by entering freshmen (from data collected by the Higher Education Research Institute at UCLA) and know the numbers of degrees granted in various fields, but know virtually nothing about curricular choices between the onset and the end of the college career. Among other things, there are no easily accessible, longitudinal data on enrollments in specific humanities classes, the number of majors in specific fields, or retention and attrition rates in different fields. Such information provides a fundamental basis for designing strategies to attract and retain majors; without it, one cannot identify whether, and when, students drop into or out of humanities disciplines.

—At the graduate level, we have information on the numbers of master's and doctorate degrees granted in specific humanities fields. But longitudinal information on the number, quality, and other characteristics of graduate students entering various humanities fields will be essential if we are to devise effective strategies to confront in a coherent fashion the projected faculty shortages of the late 1990s.

—The NEH currently uses information from its Challenge Grant program and on contributions to state humanities councils to assess private contributions to the humanities. These data are not being published and, even at their best, provide a very partial picture of private sector giving. They cannot be said to yield the kind of systematic data on public and private funding of the humanities that is a vital underpinning for sound public policy decisions.

The few studies focusing exclusively on the humanities that NEH has contracted for directly during the past few years would have been strengthened and improved through regular on-going consultation with humanities educators, and particularly with representatives of federal and nongovernmental organizations most centrally concerned with data collection, analysis, and dissemination in the humanities. For example, a 1989 study on *Undergraduate General Education and Humanities Requirements* states that among four-year institutions, "one in four requires foreign languages and literature (23 percent)" (p. 3). This finding is puzzling in light of the fact that other studies indicate that well over half of all four-year institutions require foreign language study of their undergraduates (see attached table). The unusually low NEH figure appears to be the result of two features of the questionnaire used to solicit information; it asked only about general education requirements and failed to ask about additional graduation or degree requirements (foreign language study is often a graduation requirement, but not a general education requirement); and it asked about requirements for all students rather than requirements for some students or all BA students. Inquiring about requirements that apply to all undergraduates tends to yield figures applicable to a minority of students only (e.g., engineering or health sciences majors). If representatives of the humanities disciplines had participated in the development of the survey instrument, both of the flaws in the questionnaire could have been avoided and data with more general applicability gathered.

In summary, we offer three recommendation on humanities data collection and analysis:

1. That the provision of the 1985 legislation calling for development of "a practical system of national information and data collection on the humanities . . ." be retained and strengthened. While recognizing the progress NEH has achieved, we urge that the language call explicitly for the continued development of the system; increased attention to inexpensive access to NEH-compiled

data by individual scholars as well as to reports and publications developed for dissemination; and for broader, more systematic consultation with relevant association and other nongovernmental organizations.

2. That NEH be instructed to reestablish, within the Humanities Studies Program, a small grants program for nongovernment organizations to encourage the collection and analysis of specialized data on the humanities disaggregated by fields of study and the secondary analysis of data relevant to understanding trends within the humanities.

3. That a standing advisory committee to the NEH on humanities statistics be established. Members of such a committee should be appointed in such a way as ensure both broad representation of diverse humanities disciplines and institutional expertise in higher education and statistical methods. Both federal and non-federal groups concerned with the collection, analysis, and dissemination of data in the humanities should be represented on the committee. The responsibilities of the committee would include advising NEH on data needs, approaches to analysis, and dissemination.

In the fields of science and engineering, the National Science Foundation is the federal agency responsible for assessing our national capacity. Its chief instrument for this purpose is *Science and Engineering Indicators*, a biennial report that provides a thorough description and assessment of the condition of science and engineering research and education in the United States. The breadth and quality of its analyses are extremely informative to policymakers responsible for developing national and institutional policies. The NEH, we believe, should be playing a role comparable to that of the NSF. The importance of the humanities to the nation and its quality of life was the fundamental justification and motivating force behind the formation of the National Endowment for the Humanities. A strengthened system of information collection and analysis can help sharpen the policies of NEH and the other federal and non-federal organizations and institutions responsible for sustaining the quality and vigor of the humanities in the service of the nation.

Thank you for allowing me the opportunity to present this testimony to the Committee.

RESPONSES OF DR. JOHN D'ARMS TO QUESTIONS ASKED BY SENATOR PELL

Dear Senator Pell: Many thanks for your letter of April 9, in which you pose three questions arising from my testimony at the hearing on April 5 regarding the reauthorization of the National Endowment for the Humanities. I especially appreciate the opportunity to respond and thus to amplify my written testimony, already submitted to the Subcommittee on Education, Arts and Humanities.

Question. The point in your testimony about the decline in humanities Ph.D.'s is a discouraging one. Let us say that more funding was made available for students to attain their doctorate. chat will these new Ph.D.'s find when they start looking for a teaching job in the humanities? How is it possible that today's tight job market will turn around in only a few years and become a "buyer's market"?

Answer. As preamble to responding to the question of how it is possible that today's tight job market for Humanities Ph.D.'s may change in only a few years and become instead a buyer's market, a brief summary of the pertinent recent history of U.S. higher education may prove helpful. As you know, between the mid 1950's and the early 1970's the entire higher educational enterprise expanded greatly: undergraduate student numbers grew exponentially, significantly increased numbers of new Ph.D.'s (many supported by federal and foundation fellowships) were trained and joined faculty ranks in both colleges and universities; most of these new faculty were later (in the early to mid-1960s) promoted to permanent, or tenured, positions. This period of growth came to an end beginning in the early 1970's, when the expanding numbers of undergraduates attending universities began to taper off, and when the higher educational system as a whole ceased to grow at anything like the rate that had characterized the previous 15–20 years. In addition, tenured faculty came to dominate the professoriate, and correspondingly fewer positions for young faculty were available. We subsequently witnessed a corresponding rapid decline in the numbers of students in the Humanities who sought the Ph.D. (and a virtual disappearance of federal and foundation financial support for those who have). This has been the situation throughout the 1970s and most of the 1980s. But as the current group of tenured faculty begins to reach retirement age in the mid to late 1990's, undergraduate enrollments will sustain themselves and indeed are likely to grow. At that point, a strong demand for faculty replacements will begin to make itself felt, a demand for which the chief and historic source of supply—newly trained Ph.D.'s—will be simply insufficient. Far too few students have been recently trained—or are now actually enrolled—in the graduate schools to fill the places of those faculty who will be retiring between about 1997 and 2010.

Recognizing these impending demographic changes, how should academic leaders and others respond responsibly? The first step is to attempt to understand more fully and accurately the actual dimensions of the problem, since none us wishes to repeat the mistakes of the 1960's, and to overreact by training many more Ph.D.'s than the actual anticipated faculty openings justify. A series of careful studies and analyses have now appeared (I enclose a brief article which I recently wrote, referring to some of the available data). I and administrators at many other universities, after reviewing these studies critically, draw the following three major conclusions.

a. We are convinced that there will be increased and sustained demand for more Humanities (and other) Ph.D.'s beginning in the mid 1990's. This is not wholly a matter of prediction, based on assumptions which reasonable persons might question, but a simple matter of arithmetic. If we subtract the number of Humanities Ph.D.'s that are now actually being produced each year (a known number) from the number of faculty who will be leaving the work force each year beginning in 1997 (a known number) we are left with a sizable gap of faculty positions to be filled.

b. Second, even if some of these positions could be assumed by part-time faculty, or by rehired retirees, or by Ph.D.'s who are currently employed outside the academic sector, we are convinced that the number of such available replacements is simply not going to be sufficient to meet the demand. Moreover, even if those numbers sufficed, it is doubtful whether such a large cohort could fully serve the complex needs of colleges and universities, or of their students. Part-time individuals can make extremely valuable contributions to colleges, but it is also important to maintain a careful balance here. The management of the higher education enterprise requires ongoing, sustained commitment by faculty to teaching, research and administrative service over time; and universities must rely mainly upon a stable core of full-time faculty if they are to fulfill their obligations to students.

c. Third, we in universities are not treating these studies as hypothetical, but have already begun to act upon them, taking concrete steps to buffer anticipated faculty shortages. At Michigan, we are now committing resources to Departments which are making fresh efforts to move Ph.D. candidates through their degree programs more quickly; Yale is significantly increasing fellowship support for students in the last phases of their doctoral programs; other universities are similarly deploying resources and revising institutional policies to prepare fresh Ph.D.'s more quickly for the professoriate. Universities would simply not be prepared to revise institutional priorities (and re-allocate very scarce resources) in such fundamental ways unless they believed that the nation will require more Humanities Ph.D.'s in the near future, and that the universities themselves must do all that they can to prepare for this future. In this effort, we are not relying only upon the evidence provided by outside studies. We have ample internal evidence—in terms of our own knowledge of current Ph.D. "production" and predictable retirements in the humanities—to depend upon. Our hope is that the federal government will share part of this responsibility with us (as it has in the past), and that the NEH will participate in the effort which we have already begun.

Question. If the Javits Fellowships are supporting only 3 percent of all Ph.D.'s in the humanities, how many would you envision the NEH supporting? What effort is the academic community undertaking to ensure that the Javits program is retained in 1991?

Answer. The short answer to your second question, about number of students to be supported by NEH dissertation fellowships, is approximately 600, or roughly 16 percent of Humanities students who presently receive the Ph.D. each year. But numbers and percentages need to be viewed in the context of the wholly different purposes which Javits Fellowships and anticipated NEH dissertation fellowship are intended to achieve. The two programs focus on opposite ends of the doctoral process. Javits Fellowships are designed to attract new students into humanities doctoral programs, whereas the NEH dissertation fellowships would support the final efforts of doctoral students who have progressed nearly to completion of their programs, are near the point of entry into faculty careers, and are engaged in precisely the kinds of research projects which the NEH already supports for established faculty. A NEH dissertation fellowship program, in short, would simply extend the NEH support of humanistic research to the point at which, in reality, it seriously begins: the dissertation stage.

As for the academic community's own efforts to retain the Javits program, I can assure you that we are currently mounting the same vigorous efforts which we have been making since the program first began. The University of Michigan and Princeton University have already made contacts with Michigan and New Jersey Congressman who occupy key positions on the House Labor/HHS/Ed Appropriations Subcommittee. The University of Iowa has spoken about the Javits program with Senator Harkin, Chairman of the Senate Labor/HHS/Ed Appropriations Subcommittee. A number of other universities will make similar contacts; and the AAU and other organizations will work diligently throughout the appropriations process. We would be delighted if you could assist us in that effort by contacting Senator Harkin and any other colleagues whom you deem appropriate on the Senate Appropriations Subcommittee, so as to encourage funding for the Javits program. The AAU would be delighted to work cooperatively with your staff in such an effort.

Question. In regard to the controversy over restrictive language, I wonder if you sense any kind of "chilling effect" carrying over into the humanities communities?

Answer. Finally, you ask about the controversy over restrictive language, and the extent to which it may be creating any kind of "chilling effect" in the humanities' communities. As a Board member of the American Council of Learned Societies, of the American Academy in Rome, and of the National Humanities Center, I've observed the considerable tensions caused by the new NEH restrictions on Regrants. The Institute for Advanced Study, as you know, refused NEH support over this issue. Whatever one may think about the wisdom of this, Chairman Cheney, as you also know, now herself believes that detailed NEH oversight of these selection processes—particularly the question of sitting in on actual selection meetings—is proving to be difficult and intrusive, and she would not recommend continuing them. But I think the real test of a "chilling effect" lies less in what does happen than in what does not. My own major fears about the restrictive language are that it will prevent scholars from submitting applications for certain scholarly projects, and may even discourage them from undertaking them at all: it is worrying to contemplate such a future for the Humanistic research efforts in our country.

Many thanks again for encouraging me so courteously to amplify my testimony in this way. May I take this opportunity to say that although Dr. Cheney and I are not in full agreement as to what a reauthorized NEH might be, I have the highest respect for her integrity, for her administrative skills, and for her steadfast efforts to forward the cause of the Humanities in America.

With best regards,
John H. D'Arms
Vice Provost for Academic Affairs and Dean;
President, Association of Graduate Schools in the Association of American Universities

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Society of Architectural Historians
Society of Christian Ethics
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Doreen B. Townsend Center for the Humanities (University of California/Berkeley)

University of California Humanities Research Institute (University of California/Irvine)

General Education Requirements in Foreign Languages at Four-Year Institutions

Study and Year	Type of Data Base	Nature of Requirement	Percentage
NEH: 1983–84 [1]	Sample	General Ed Requirement (all undergraduates)	19.7
NEH: 1988–89 [1]	Sample	General Ed Requirement (all undergraduates)	23.0
Percentage Change:	16.8		
MLA: 1982–83	Census	Degree Requirement (all BA students)	47.4
MLA: 1987–88	Census	Degree Requirement (all BA students)	58.1
Percentage Change:	22.6		
ACE: 1983–84 [2]	Sample	Graduation Requirement	
		All students:	20.2
		Some students:	48.1
ACE: 1986–87 [3]	Sample	Graduation Requirement	
		All students:	16.0
		Some students:	69.0
Percentage Change:		All students:	[1] 26.3
		Some students:	43.5

Sources:

[1] Tables A–2 and A–3 in Laurie L. Lewis & Elizabeth Farris, Undergraduate General Education and Humanities Requirements. Higher Education Surveys Report No. 9, January, 1989.

[2] Table 5 in Elaine El-Khawas, Campus Trends, 1984. HEP Report No. 63 (February, 1985). Washington, D.C.: American Council on Education.

[3] Table 3 in Charles J. Andersen, International Studies for Undergraduates, 1987; Operations and Opinions. HEP Report No. 76 (September, 1988). Washington, D.C.: American Council on Education.

Chronicle of Higher Education 1/17/90

OPINION

Universities Must Lead the Effort to Avert Impending National Shortages of Ph.D.'s

By John H. D'Arms

PRESIDENT BUSH, at his education summit with the nation's governors last September, missed an unusual opportunity to connect the present crisis in the nation's schools with a potential future crisis in the nation's colleges and universities. The parents of today's school children, already worrying about how they will be able to afford the college tuitions of the 21st century, should be worrying still more about whether there will be enough college professors to teach them. Yet neither Mr. Bush nor the governors so much as mentioned this issue.

The evidence pointing to impending national shortages of Ph.D.'s, both for faculty positions and for non-academic jobs, is considerable and convergent. Equally important, the evidence embraces virtually all intellectual fields and territories. A study commissioned by the National Science Board projects a decline of more than 1,300 Ph.D.'s in the natural sciences and engineering by 2000, owing to a shrinking pool of 18- to 24-year-olds, retirements, deaths, and movement out of the country; it projects a national shortage of 8,000 such Ph.D.'s by then. Business schools are projecting thousands of vacant faculty jobs.

And William G. Bowen and Julie Ann Sosa, in *Prospects for Faculty in the Arts and Sciences* and in subsequent studies, argue that even with the most conservative assumptions, the number of available positions projected for humanists and social scientists will considerably exceed the expected number of candidates, beginning around 1997. In short, there are already imbalances in all academic fields, and supply is not increasing fast enough to keep pace with demand.

We still have time to make the adjustments needed to correct these anticipated shortages, but only if the people and institutions responsible for shaping national policy in higher education now step forward together and act thoughtfully and with resolve. I cannot emphasize this too strongly. Unlike the period of enormous expansion of numbers of Ph.D.'s in the 1960's, when (despite projections by Allan M. Cartter) we failed to foresee the impending glut of Ph.D.'s, we have the solid data and careful analyses that policy makers need, if only they will heed the messages. The real danger is that we again will mis-time our response and wait to act until shortages become acute. That would be tragic: The Ph.D.'s needed by the late 90's should be entering graduate schools now, so as to be ready when market forces begin to exert their pressures.

Many actors are needed in this drama. Universities, business and industry, private donors, foundations, state legislatures, and the federal government all have a stake in securing a strong future for graduate education because of its conspicuous benefits for the larger society. Today's talented and highly motivated graduate students will become the faculty members of tomorrow, generating the new ideas that have always fostered growth within our society and provided the basis for college and university teaching. Outside the academic sector as well as within it, strong doctoral training is powerfully linked to the quality of the nation's research effort in nearly every field.

"The real danger is that we will mis-time our response and wait to act until shortages become acute. That would be tragic."

Universities should be leading the effort to avert the impending faculty shortages. But our own houses need to be set in far better order than they are at present. The steps that academics should take are both small and great. At the easier end of the scale, faculty advisers should be familiarizing themselves with the projections of shortages and should be encouraging more of their able undergraduates to seek Ph.D.'s.

A FAR MORE DIFFICULT imperative is the redoubling of our efforts to diversify the membership of the academic profession. By building upon good ideas and pilot projects that really work, we must recruit more of the talented young Americans from minority groups who are currently not even participating in higher education, let alone planning for faculty careers.

The humanities and social sciences, where Bowen and Sosa project surprisingly large shortages, require special atten-

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Universities Must Lead the Effort to Avoid Shortages of Ph.D.'s

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tion: it is time for some plain speaking here. In graduate education in these fields, deans, other administrators, and especially members of the professoriate must step up to three challenges of major proportions.

First, we need to reduce the number of years our graduate students take to achieve the Ph.D.: The median time in all fields of the arts and sciences increased from 7.2 years in 1970 to an alarming 9.5 years in 1987; for the humanities, the figure is still higher.

Second, we must try to bring down the high rates of attrition in many programs: Precise data are lacking, but the national figure is something close to 50 per cent.

Third, especially in the large public universities, we must reduce the time that graduate students now typically spend away from their research teaching undergraduates: All available indicators suggest that graduate students are teaching more students for more hours for more years than was the case even as few as five years ago.

This set of interconnected challenges is especially vexing because the primary instigators of real change will have to be our faculty colleagues in the humanities and social sciences who construct the graduate curricula and set the degree requirements. They must be persuaded that their behavior needs to change. Faculty members make three main arguments:

- That significant increases in financial support, especially for fellowships, will be required if we really care about speeding up the time it takes to earn a degree and about improving completion rates.
- That the specialized character of graduate education, and the sheer quantity of new theory and method that young doctoral students must master, will, and even should, work against rapid progress towards the degree.
- That short cuts always threaten to undermine quality; as one of my highly respected colleagues puts it, "The historic excellence of [our] graduate programs is the result of high standards, not high speed."

Now, of course more fellowship support is needed; of course new quantities and configurations of knowledge and methodological advances must be exploited; and of course programs must make appropriate allowances for interdisciplinary work, field experience, and mastering difficult languages—all of which have an impact upon the time it takes to earn the Ph.D. But I confess that I wonder why a talented B.A. in 1990 who couldn't reasonably expect to earn a Ph.D. in philosophy or anthropology or the history of art within seven years would not wish to pursue other career options instead.

Surely better balance and equilibrium, as well as a brisker and more efficient pace, could be achieved by bringing some countervailing mechanisms into play in graduate education.

"I wonder why a talented B.A. in 1990 who
couldn't reasonably expect to earn a Ph.D. in
philosophy or anthropology or the history
of art within seven years would not wish to pursue
other career options instead."

As a beginning, I believe that faculty members in the social sciences and the humanities (among whom I include myself) could profitably ask ourselves the following questions:

- Given the resurgence of national interest in broader undergraduate education, with emphasis upon differing approaches to knowledge and critical thinking, are not many of the Ph.D.'s emerging from our programs so specialized in their academic focus that they are really too narrowly trained to be effective in teaching undergraduates?
- When we incorporate new material into our graduate curricula, is it appropriately integrated or simply added on to already existing requirements? In our graduate seminars, do we balance our attachment to our own research topics against the academic needs of our students? Is our battery of course sequences, specialized research seminars, and examinations being thought through coherently and freshly, with the best interests of our students constantly in view?
- After students pass preliminary examinations, are we in departments providing enough direction as they search for dissertation topics? In the life sciences, physical sciences, and engineering, where the time required to earn a doctorate is far shorter, graduate students are typically engaged in research alongside faculty members from the outset of their graduate careers. To what extent is this more collaborative research environment a model that can be adapted to faculty/student interactions in the humanities and social sciences?
- The steadily lengthening time needed to earn a degree, while imposing psychological and financial burdens on students, is also costing taxpayers more; further, it reduces (as the economist Howard P. Tuckman and others have pointed out) the number of potential years of productive effort that highly educated individuals will have in the work force. Have we not, as university faculty members and administrators, but also as citizens, some broader responsibility to society to reduce the time required to earn the doctoral degree?

I believe that progress *within* academic institutions, on all of these fronts, will be critical in generating greater support for graduate education from *outside* them. Progress could help persuade some of the leading educational foundations to resume the financial support of graduate education from which they have largely retreated in recent years. Progress could help members of Congress and state legislatures to understand better the role of graduate education in future economic and technological progress. Improved performance by universities could also be instrumental in persuading federal agencies, such as the National Endowments for the Arts and for the Humanities and the Departments of Education, Energy, and Defense, to follow the examples of the National Science Foundation and the National Institutes of Health, which in all of their activities have begun giving higher priority to graduate education.

In short, educational policy makers—starting with those of us in universities—have an unusual opportunity to put aside parochial interests, defensiveness, and panic, and to collaborate in a positive and organized fashion to confront the coming shortages by renewing our national investment in human capital. President Bush could exert real educational leadership by encouraging these efforts. But those of us in higher education must not wait to be prodded; we should step up to our own responsibilities now.

John H. D'Arms, dean of the graduate school at the University of Michigan, is also professor of classical studies and history and president of the Association of Graduate Schools of the Association of

Senator **Pell**. Dr. Debicki.

Dr. **Debicki**. Senator Pell, I am very grateful to be invited to speak today and I would like to take this opportunity of recognizing your long support for the humanities and for foreign languages.

It is also a great pleasure to see Senator Kassebaum from my State, who has been a long supporter for the humanities and for international initiatives and is well familiar with many of things that I am going to say and, of course, Senator Simon, who has battled for many years for foreign language support in this country.

I am Andrew Debicki. I am Director of the Hall Center for the Humanities. I also have been Chairman of the Spanish Department and have seen problems of language teaching at a large midwestern university. I have also served on panels in various divisions of the National Endowment, including State program panel as well as fellowships and seminars.

I am speaking to support reauthorization without limitation, as recommended by the President.

I would like to focus on one larger issue and that is the special initiative of foreign languages of the National Endowment for the Humanities.

We all know that language teaching and the knowledge of foreign cultures have been a sore problem for the United States. Language study is started very late by our students. It usually is interrupted. It is never developed to the point that students develop sufficient proficiency. This is well known and I will not dwell on it.

What has happened is that recently efforts have been made to address this problem in various directions and I think that the National Endowment for the Humanities is the best organization to do so.

The new initiative the National Endowment proposes, which includes an enormous increase of funding and an enormous increase in programs almost ten fold the support that has been given to languages, promised is a very exciting venture.

It is particularly effective in my opinion to have the National Endowment of the Humanities undertake this venture because of the system that the National Endowment uses.

The use of peer review, the dependence upon expertise in the field, the National Endowment has surveyed the needs in that field, has questioned the experts and drawing on the best expertise in the discipline has developed a series of initiatives which involve summer institutes for school and college teachers, which involve aid to programs so that new language programs can be developed which involves the support of magnets to schools in the less frequently taught languages.

All this reflects the best and most current thinking in the discipline and the system of peer review on the staff depends on pure insight and then on peer review of applications is the ideal way of making sure that we will have language initiatives that respond to the most current and most effective thinking in that discipline rather than some other.

In additional, the National Endowment of the Humanities will place the study of foreign languages within a larger structure of culture and literature, thus allowing us to see language not as merely technical training, but as a study which connects the techniques of linguistic expertise with the background of culture and literature and also connects it with our general search for literacy or for the improvement of our education at all levels from primary through post graduate.

Because of this, I feel that it is indeed the National Endowment of the Humanities that is the ideal organization which will further language and culture study in this country.

In addition, through the State programs, as Senator Kassebaum well knows, the Endowment has connection with what is going on in the area of arts of this country and can address such needs.

I have, in Kansas over the years, seen how citizens of Kansas who want to travel abroad are frustrated because they do not know the languages, how are students feel that they have not reached proficiency and lack the cultural knowledge that they need.

I think the kinds of programs that the National Endowment is proposing will do wonders in increasing the kind of knowledge, the kind of familiarity in the larger context of general education and because of that, I strongly support this.

I also feel that the—having served on these various panels that the present system and the system of peer review functions very, very well indeed. Staff members of NEH are as knowledgeable as anybody that I have ever met in annual review situations. They combine their technical knowledge with the expertise of the reviewers on the panels to achieve the best possible results and I think that all of that has led to a very successful and very efficient agency which with very limited funds has done an amazing amount of good.

Hopefully, in these new initiatives and in continuing the initiatives of the past, the NEH will bring together academia school teachers and community needs, will create initiatives which will meet the challenges of the real world in the context of the old humanities tradition.

Thank you.

[The prepared statement of Dr. Debicki and responses to questions asked by Senator Pell follow:]

PREPARED STATEMENT OF DR. ANDREW P. DEBICKI

Mr. Chairman and Members of the Subcommittee, I am Andrew P. Debicki, Professor of Spanish at the University of Kansas, where I also serve as Director of the Hall Center for the Humanities. It is a pleasure to testify before you today and to represent the National Humanities Alliance and its membership of more than sixty scholarly and professional associations; organizations of museums, libraries, historical societies, and higher education; state humanities councils; and others concerned with national humanities policies. I am pleased to have this opportunity to express support for the reauthorization of the National Endowment for the Humanities (NEH) without restrictions on content and to comment on the proposed NEH initiative in foreign languages.

My work as a language and literature teacher at a large midwestern university has benefited substantially from NEH-sponsored activities. have conducted three endowment-supported summer seminars, which brought college teachers from many states to the University of Kansas, where they—and I—gained new ideas and a renewed enthusiasm for teaching Spanish. I have served on panels that recommended fine research and teaching proposals for support. And I have attended programs in Kansas libraries and towns that communicated the value of great books and great historical figures to the citizens of my state.

For 22 years I have worked at the University of Kansas, which enrolls about 28,000 students and admits 8,000 freshmen a year. 'While also doing scholarly writing, I have taught Spanish at all levels from beginning language courses to graduate literature seminars, and I chaired the university's Spanish department. In addition, I serve on the governing board of the Modern Language Association of America, a learned society whose 30,000 members are committed to promote study, teaching, and research in modern languages and literatures.

I have seen first-hand two major problems regarding the learning of foreign languages: the late start most Americans get in learning a second language and the absence of incentives for undertaking such study. Though we have been aware for a long time of the lack of knowledge of foreign languages and cultures among our citizens, this inadequacy becomes more critical as our world shrinks and the need for communication across our borders increases. Again and again, I have talked with students who have returned from abroad, business executives with dealings in Mexico or Western Europe, and Kansas citizens who have traveled for pleasure. They describe the frustration of being unable to read the language or to understand what is said around them, of being unable to ask for what they need, of receiving puzzled reactions when they try to communicate.

As you know, foreign languages were included as a humanities field in the 1965 legislation that established the Endowment, and the NEH has contributed significantly to foreign languages over its 25-year history. The NEH is in an ideal position to effect the kind of improvement in foreign language teaching and learning that our country needs because of the Endowment's focus on language study in cultural and literary contexts and its tradition of using peer review, which allows the best thinking in the field to inform its activities. My colleagues and I are pleased that the Endowment plans to expand the range of its programs in foreign languages through the initiative included in its budget proposal for Fiscal Year 1991.

There is general agreement that our educational system should provide language study for larger numbers of students and do so earlier than we have in the past. But availability is not enough. Students must be encouraged to enroll in language courses, teachers must have opportunities to improve and maintain their own command of the languages they teach, and institutional arrangements must be modified so that language teachers can use approaches and materials that research on second language acquisition tells us are effective.

These goals have been widely discussed in the field, and I present for the record a statement about the teaching of foreign languages in this country which, I believe, provides background for understanding the importance of the NEH foreign language initiative. The statement was written by a committee of distinguished scholars in linguistics and foreign languages and literature.

The history of language study, like change in language itself, reflects trends and movements in society and culture. Shortly after World War I a committee of the Modern Language Association examined the place of languages in our country and, noting that primary contacts with other countries would be through publications, recommended concentration on a reading knowledge of foreign languages. This approach was widely adopted. Our scientists, scholars, and educated public learned to read French, German, and other languages and spent little time acquiring a speaking knowledge. By the early 1940s few Americans were equipped to communicate directly with the peoples of other nations.

World War II brought sudden and immediate needs for communication with peoples throughout the world and for functional control of other languages. At that time only linguists who had investigated unwritten languages, like those of American Indians, concentrated on a speaking command of language. They achieved that command by memorizing sentences and mimicking the pronunciation of the speakers. In response to the need to introduce, rapidly, a whole generation of Americans not only to a new set of previously little studied languages but also to real-life practical use of those languages, the field linguists' skills were employed to impart to our soldiers, diplomats, and administrators an everyday command of languages as varied as Arabic, Chinese, Hindi, Italian, Japanese, and Turkish. The technique was taken over by our universities and supplemented with tape recordings, which were also mimicked and memorized. This approach met the needs of the time, as had the concentration on reading after World War I.

As our interrelations with other countries have deepened, we no longer find the World War II concept of "everyday language" adequate. Our students today need wider control of languages and better knowledge of cultures. Language teaching, having evolved steadily in response not only to students' needs but also to developments in linguistics and language-acquisition theory, has been able to incorporate these aims. Teachers now present each language as it is used in communication and in accordance with the cultural conventions of its native speakers. Philosophically and in practice, this view of language is fundamentally different from the concepts that governed the reading approach of the distant past and the mimicry-memorization orientation of the 1940s and 1950s.

The first major change in approach, the presentation of language as it is used in communication, was inspired by recent developments in linguistic and text theory. It is based on a redefinition of both spoken and written language as text that functions in a context rather than as a set of abstract paradigms or vocabulary lists of the kind that filled the "grammar" textbooks of the past. Occasionally a structural paradigm may still be useful as a learning device, but what the language really consists of, and what the student must really learn, is a set of ideal or standard contexts for the forms and structures of the language.

Viewed from this perspective, grammatical competence is based on mastery of sequences and connections within spoken or written discourse, not on memorization of lists of discrete forms. Learning a language—either one's native tongue in childhood or a foreign language at any age—means acquiring the capacity to construct texts and to use them appropriately. In both cases this process, which belongs uniquely to language learning, results in significant cognitive and intellectual growth on the part of the learner.

The second major change in our approach to teaching language and literature gives greater importance to cultural context. This change has been facilitated by our increasingly sophisticated ability to describe cultural factors. Every utterance or exchange of utterances occurs in a cultural context. Thus, even simple terms for agreement and disagreement express meaning not only through specific words but through the contexts in which they operate. In teaching such material, language instructors necessarily present language with an awareness of the cultural values it embodies; and in studying the material, students undergo a major cognitive development as they begin to absorb the essential quality of another language and culture.

While much more attention is paid now to competence in the spoken language, the view of language as text also redefines relations between spoken and written language. Written texts represent a fundamental manifestation of language. Literature has a place in language study because it is a selected and sanctioned set of the verbal realizations of a culture, and to study literature is to study a culture as it is presented and transmitted by the speakers of the language. (*MLA Newsletter* [Fall 1989] pp. 16–17)

I turn now to the NEH's special opportunity in foreign language education. I believe that the activities the NEH seeks to support will strengthen the field and therefore the study of languages in the United States. First, the proposed summer institutes will enable elementary-and secondary-school teachers to apply the results of current research on language teaching and immerse themselves in the target language and culture, which will add to their own language proficiency. Second, strengthening undergraduate language programs will help colleges and universities develop courses and faculty study opportunities that will link language instruction with other disciplines and thereby enhance the usefulness of language study and the integration of foreign languages in the overall undergraduate program. Equally important, institutions with teacher-education programs, which hold the key to the current teacher shortage in foreign languages, will be able to improve what they do. Third, the proposed funding for special projects will encourage creative responses to needs the field has identified: for example, language magnet schools, the development of teaching materials and programs in the less commonly taught languages, and the design of articulation agreements 6between schools and colleges in specific communities.

The NEH's foreign language initiative underscores the role of the NEH in the development of the humanities and the agency's capacity to respond to the concerns of the field. Many foreign language scholars had come to think that the NEH guidelines for the eligibility of foreign language projects were drawn in such a way as to exclude proposals that reflected the broader understanding of language learning that has evolved in recent years. 'When advised of the problem, Mrs. Cheney and her colleagues studied it and worked with the language scholars in shaping the initiative. In this case, the NEH provided both the national focus and leadership but followed the field in terms of content.

I particularly welcome the Endowment's encouragement of the use of a range of authentic materials in teaching foreign languages (newspapers, television, films, literature, and other significant texts) and the Endowment's emphasis on continuous and cumulative language study that provides students with appropriately sequenced and connected instruction. I also welcome the NEH's wish to earmark special funds for this important proposal, and I urge you and your colleagues in Congress to respond favorably to the President's request for new funding in support of the initiative. Throughout its 25-year history, the Endowment has taken the lead in carrying out important initiatives in scholarship, preservation, public programs, and education in the humanities. In my view the special opportunity in foreign languages falls well within the Endowment's distinguished tradition and will make a major contribution toward the education of our citizens for the rapidly changing world of the 21st century.

RESPONSES OF ANDREW P. DEBICKI TO QUESTIONS ASKED BY SENATOR PELL

Dear Senator Pell: I wanted to thank you, above all, for having me testily at your subcommittee's hearing on the National Endowment for the Humanities, and for your interest and attention. I have long admired your contributions in the Senate, and it was a very special pleasure and privilege to speak before you. I am glad to know that my comments were helpful, and answer below the two questions of your letter of April 9.

Question. Your written testimony referred to the lack of incentives to study a foreign language in the United States. Do you foresee any possible solutions to this problem? How might the NEH assist in efforts to remedy this situation?

Answer. In commenting on the lack of incentives for studying languages, I was referring to lack of societal recognition, to a general indifference on the part of the public, and to a lack of obvious rewards for students and teachers. Even those students who succeed very well in their pursuit of language competence have little reason to expect that their parents or peer group will take note of their achievements, that future employers will pay a premium for their language competence, or even that their school or college will reward them in a tangible way.

The NEH cannot expect to influence this deeply rooted societal indifference quickly or directly, but it can have a long-term positive effect in several ways. It can require or urge applicants who propose new education projects to build student incentives into their proposals (for example, short study trips abroad for students who achieve the highest level of proficiency in the program; competitive examinations that reward student achievers in a way comparable to the reward system for athletes; high-visibility use of the best students' language competencies in the school or college community). It can also develop programs which would encourage multi-year language sequences in the schools, eliminating the lack of continuity so common to language learning by our students. That would make it possible for college students to not only achieve language proficiency but also study in some depth the culture and literature of another nation. I am convinced that under Mrs. Cheney's leadership the NEH will be very aware of these issues and possibilities. (The comments on language teaching in her "Fifty Hours: A Core Curriculum for College Students" are excellent, and especially perceptive on ways of integrating languages in a humanities curriculum.)

Question. In regard to the controversy over restrictive language, I wonder if you sense any kind of "chilling effect" carrying over into the humanities communities?

Answer. You ask whether I think that the controversy over restrictive language is having any kind of "chilling effect" in the humanities community. I know that it has. At the December 1989 MLA annual convention in Washington, MLA members expressed their concern about the intent of the existing restrictive amendment and its likely negative effects on the kinds of subjects scholars could propose to the NEH for support, especially in the fellowship program. After the convention the MLA's executive director, Phyllis Franklin, continued to receive letters and telephone inquiries, and the MLA's governing board voted to support reauthorization of the endowments without restrictive language.

Senator PELL. Dr. Ziolkowski, very glad to hear from you, sir.

Dr. ZIOLKOWSKI. Senator Pell, Senator Kassebaum, thank you very much.

I am Theodore Ziolkowski, Dean of the Graduate School at Princeton University and Class of 1900 Professor of German and Comparative Literature.

I come before you today to represent the National Humanities Alliance and its membership of more than 60 scholarly and professional associations concerned with National Humanities policies.

We have provided your office with copies of the detailed written statement. I would like to take this opportunity simply to single out three points of particular interest to me.

First, allow me also to express my enthusiastic support for the reauthorization of the National Endowment of the Humanities for another 5 years.

Since its establishment in 1965, the NEH has played a significant role in strengthening and extending the humanities in the United States.

I am not referring simply to the funding through which it has enabled this country to cultivate the humanities to an extent that would have been difficult or impossible without that assistance.

I am referring perhaps more importantly to the significance of a National Endowment of the Humanities as a powerful symbol of the value that this Nation places on those studies comprehended collectively as the humanities.

A citizen born in the year when the NEH was established would now be old enough to be elected to Congress as a Member of the House of Representatives.

Like such a person, the NEH has attained the age of maturity along with the responsibility that that maturity entails.

One of the most difficult and important lessons that any leader must learn, whether a 25 year old Congressman or a young institution, is the need to delegate responsibility. Without delegation, you do not get big jobs done. Without delegation, you do not train others to responsibility.

One form that delegation has taken in the NEH has been through the regrant programs. While regrants constitute only about 5 percent of the NEH budget, the impact has been vast greater both because the regrant agencies have enabled the Endowment to extend its reach and because the funds are often multiplied by matching awards.

I have been associated with several of the regrant institutions as a delegate to the ACLS, committee member in the American Philosophical Society, as a participant in conferences at the National Humanities Center, as a grateful user of the New York Public Library, and in other capacities.

Today, however, I would like to single out the International Research and Exchange Board, IREX. While I have never benefited directly from IREX, I have been an indirect beneficiary.

My daughter met her husband over 10 years ago while they were both postdoctoral IREX fellows in the Soviet Union. Not only a solid marriage resulted from that conjunction, but also, two fine books, numerous articles, and a lot of good teaching in several universities.

I mention IREX today, however, because for many years it has been the principal sponsor of basic research in a part of the world that has greatly occupied our attention in recent months.

IREX has been virtually the only agency that has sponsored research in Eastern Europe, not just in response to demands of immediate relevance.

Yet, precisely in those countries political and economic crisis often result directly from explosive issues of a broader cultural nature.

Think of the religious faith as well as the ancient ethnic tensions that have been released by the relaxation of government control in the Soviet Union.

IREX constitutes the center of our national consciousness in East European affairs, yet, the exchanges that it arranges would collapse if NEH funding should be withdrawn or reduced.

This brings me to my final point. As a result of controversies surrounding the National Endowment for the Arts, Congress has directed the NEH to increase its oversight of regranting agencies by reviewing all proposed subgrants before any awards are actually made.

This process is administratively wasteful and ethically dubious. Let me be specific. The NEA controversy was triggered by the exhibition of photographs that arouse public indignation because they feature homosexual eroticism. Now we could simply walk around the problem by claiming that such cases are unlikely to occur in the NEH, but I recently summoned up from the computerized catalog of the Princeton University Library all the titles listed since 1980 under the subject heading "Homosexuality".

There were 249 of them, including books on homosexuality in medieval Latin poetry and the renaissance in Victorian England, in Shakespeare's sonnets, and in the works of Oscar Wilde, Walt Whitman, Andre Gide, Thomas Mann, and Marcel Proust.

One of the volumes, a highly acclaimed book by K.J. Dover on Greek homosexuality, contains reproductions of scenes from Greek vases that are at least as the photographs of Mapplethorpe.

Would a work of distinction and intellectual merit be discouraged or even disallowed through any misunderstanding or misapplication of the new policies?

In practice, of course, the issue is hardly likely to emerge. A resourceful director could simply put a potentially problematic proposal on to a different budget as the new procedures invite them to do, but the Government of the United States ought to be in the job of promoting accountability, not just resourcefulness in accounting procedures.

The review of subgrants takes responsibility away from the agencies that are best equipped to appraise projects of a specialized nature.

What is the long run effect going to be if subgranting agencies know that monitors are constantly looking over their shoulders?

Some institutions are already refusing to accept NEH funds under this arrangement, which they regard as an unwarranted intrusion of Government.

A seasoned executive delegates responsibility. The NEH has been fortunate in dealing with a variety of responsible subgranting agencies and that successful record should speak for itself.

The 25th birthday, the celebration of institutional maturity is not the time to relapse into a kind of big brother surveillance.

I hope that Congress will permit the NEH to exemplify through its policies and procedures the belief in the values of human integrity and intellectual independence to which the humanities themselves aspire.

Thank you, sir.

[The prepared statement of Dr. Ziolkowski and responses to questions asked by Senator Pell follow:]

PREPARED STATEMENT OF THEODORE ZIOLKOWSKI

Mr. Chairman and Members of the Subcommittee: I am Theodore Ziolkowski, Dean of the Graduate School and Class of 1900 Professor of German and Comparative Literature at Princeton University. It is a pleasure to testify before you today and to represent the National Humanities Alliance and its membership of more than sixty scholarly and professional associations, organizations of museums, libraries, historical societies, higher education, and state humanities councils, and others concerned with national humanities policies. (A list of NHA member organizations is attached.) I am pleased to have this opportunity to express support for the reauthorization of the National Endowment or the Humanities for five years and without restrictions on content of the grants it awards. My colleagues and I strongly support the view expressed by President Bush when he said that he doesn't "know of anyone in government that should be set up to censor what you write or what you paint or how you express yourself." And we heartily support John Frohnmayer's remarks before your counterpart in the other chamber in which he said "After much careful thought and discussion, it is our conclusion that the legislation proposed here, which contains no content restriction, will best serve the American public."

Today, my testimony is focused upon the federal interest in the national organizations that make up a significant part of the infrastructure supporting scholarship in this country and more specifically the importance of the Endowment's regrants programs in sustaining scholarship.

ON THE NATIONAL INSTITUTIONS SUPPORTING SCHOLARSHIP

Independent voluntary associations, many of them configured in loosely connected networks, make up a significant part of the infrastructure that supports scholarly work in the United States and that enhances the general quality of national life. The U.S. situation is unlike that of other countries in that we have different kinds of voluntary associations that developed over the years in response to the needs and interests of both individuals and groups (e.g., independent research libraries, museums, learned society, historic societies, and national associations of these organizations). For leadership, voluntary associations depend on boards that have their own governance arrangements and their own rules and qualifications for membership; for funding, they depend on various sources, which, whether from the public or private sector, are likely to be irregular. Indeed, institutions largely or wholly dependent on income from modest or even substantial endowments, on grant funds for special projects, and on philanthropy are easily affected by inflation; they often experience periods when funds are insufficient to sustain their normal activities. Given the importance of these institutions to the nation's intellectual and cultural life and their financial vulnerability, we believe that the federal government may wish to consider ways to assist those institutions that serve national constituencies.

The 1988 decision to cut back support for the New York Public Library after 17 years of special NEH grants gave renewed focus to long-standing debate on whether there are circumstances in which federal support should be made readily available, on a competitive basis, for the operation of non-profit cultural institutions that are critical to the scholarly enterprise in America—Institutions that through their collections and special programs nurture scholarship both by preserving and providing access to our national cultural heritage and by encouraging the creation of new knowledge to achieve "a better understanding of the past, a better analysis of the present, and a better view of the future." (National Foundation on the Arts and Humanities Act of 1965)

These national institutions include: Independent research libraries and historical societies with national collections such as the American Antiquarian Society, American Philosophical Society, John Carter Brown Library, Massachusetts Historical Society, and The Newberry Library; centers for advanced study such as the American Schools of Oriental Research and the National Humanities Center; and a few other institutions that facilitate scholarly work such as the American Council of Learned Societies and the Social Science Research Council. (A handful of federal institutions such as the Library of Congress, the Smithsonian Institution, and the Woodrow Wilson International Center for Scholars support scholarship in parallel ways but they receive federal support through regular appropriations.)

At the present time, many of the institutions that form this infrastructure of scholarship do not have adequate income from endowments to sustain regular operations. The number of institutions that compose the infrastructural group are not numerous nor are they broadly distributed geographically. But, they constitute a critically important and irreplaceable base upon which American scholarship has become the most productive in the world.

These institutions (many of which participate in the regranting programs of the NEH) are increasingly dependent on raising funds from foundations and other institutions that for the most part grant funds tied to particular projects and often prohibited from providing long-term or sustaining support. What they most need, however, are not funds to innovate but simply funds to continue doing what they have been doing very well for years. (Over the years, NEH has very properly encouraged innovation. While this approach is correct overall, it has negative implications for addressing the problem discussed here. NEH's challenge grants may be used to support operations but eligibility is limited to two grants.)

We suggest that the federal interest in the health of these critically important institutions is so great that Congress should begin considering how to make available to institutions that serve national constituencies some kind of support for ongoing operations. For museums and historical organizations, Congress concluded more than a decade ado that federal support for operating expenses was needed and made funds available through the Institute of Museum Services. One way to address the problem for the institutions discussed here would be to establish a new line item at NEH to provide support for on-going functions that are important for the scholarly enterprise. Such a program would be competitive and peer reviewed. Perhaps, while located within NEH, the program could be modeled on that of the Institute of Museum Services. The independence and diversity of our cultural organizations, so highly valued by the American ethos would be preserved with proper design of the federal support. Since long before the establishment of the NEH, there have been those who argue that there is a national interest at stake in the health if these organizations. That view is nicely summarized in a 7/6/88 letter to the *New York Times* in which then-president of the Rockefeller Foundation Richard W. Lyman wrote, "Surely, its [NEH's] mandate as a Federal agency, is different from that of the big foundations. It has a responsibility for the overall health of the humanities in the United States that no private foundation has."

ON NEH'S REGRANTING PROGRAMS

A second major issue that I want to discuss today is the use of the regrants or subgrants mechanism by the Endowment and to urge the Committee to adjust the legislation so that the use of this important instrument by the Endowment's Chairman is clearly authorized.

Virtually from the inception of the Endowment, the agency has used the regrant mechanism as one avenue for the distribution of funds to encourage and support national progress and scholarship in the humanities. The process by which NEH has awarded funds to independent institutions for regranting to individual scholars has been based upon rigorous review within a grants competition. In reviewing regranting proposals, NEH has consistently demanded clear evidence that the proposed regranting institution have in place grant application and review processes that are scrupulously fair and that will ensure the selection of work in the humanities that is of the highest quality.

While rather small in the overall NEH program—typically no more than 5 percent of an annual program budget at NEH—regrant programs have come to play a key role in America's scholarly enterprise, the characteristics of which are as follows:

—Although typically less than $100,000 annually for participating institutions, in private research libraries regrants are a cornerstone for planning the sustained involvement of outside scholars in the development and use of collections;

—NEH's regrants are with major institutions, the institutions at the core of the infrastructure supporting scholarship in this country whose grant application and review processes are similar to and no less rigorous than the procedures employed by NEH;

—There is no evidence that abuses have occurred in the grant awarding processes of any of the regrant institutions;

—The regranting institutions in many instances are providing services that could not be carried out directly by NEH: They can respond rapidly to scholarly opportunities, for example, and the regranting institutions may have in-depth knowledge of particular scholarly areas and of scholarly situations in other countries;

—Regrants help to sustain institutions that are critical to scholarship. NEH funds make possible several small fellowship programs that facilitate scholarly access to private library collections and frequently enable the recipient to obtain matching funds from private sources;

—Regrants are a major guarantor of the pluralism and variety of sources of support for scholarship. Typically, in the centers for advanced study regrants program, the NEH regrant funds provide 30 to 40 percent of the fellowship funds directly but in addition are the catalyst for an additional 30 to 40 percent secured from other private sources to fulfill NEH matching requirements;

—Several of the regranting programs provide services that the NEH is not equipped to carry out (e.g., scholarly exchange programs. In addition, for the regrants activities that NEH could take on directly, almost without exception, the cost to the government would be higher.

One outcome of the major controversy that arose last year over two grants connected to NEH's sister agency, the National Endowment for the Arts, was a finding by the House Appropriations Committee, endorsed by the Senate Committee, that subgranting or regranting by NEH and NEA was not authorized. The report language went on to specify that "if subgranting is permitted it should be undertaken with procedures that will make the chairmen and councils of NEA and NEH as thoroughly informed and responsible for the subgrants as they are for direct grants."

Coincidentally, the actions by the Appropriations Committees came as Mrs. Cheney and the National Council on the Humanities were just concluding a thorough examination of the rationale for NEH's regrants programs. The outcome of that study, which extended over more than six months in 1988 and 1989, reinforced the importance of the regrant programs in meeting NEH's overall goals and underscored the effectiveness of the safeguards then built into the NEH's regrants process.

NEH promptly complied with the report language produced in connection with the FY 1990 appropriation. Within a few weeks of the passage of the money bill, NEH advised all independent institutions regranting NEH funds (except state arts and humanities councils which were specifically exempted) of several changes in procedures that dramatically increased its oversight, including:

—Regrant institutions were no longer empowered to decide on regrants but only to recommend them to NEH for approval;

—For each individual proposed as a regrant recipient or as an alternate (i.e., intended fellowship awardees), institutions must forward to NEH brief descriptive information on the individual and project and full copies of applications;

—NEH staff will review materials and forward the lists together with copies of full applications for any requiring further review to the appropriate committee of the National Council on the Humanities. (The committees used to review regrants already were in existence—committees of the Council organized by grant making divisions to review NEH applications);

—Council committee members will make recommendations to Mrs. Cheney within one week; the NEH Chair makes the final decisions and will convey them promptly to the regrant institutions; and

—Periodic site visits to observe selection committee work and procedures will be scheduled—approximately once every three years.

Are the extra steps and cost worthwhile? In the first six months, four separate oversight cycles have been completed (i.e., proposals from one or more of the regrant institutions have been reviewed by NEH staff, Council, and Chairman). The result has been that all recommendations have been accepted, i.e., not a single recommendation has been declined or even formally questioned.

We believe that the substantial investment of time and expense by NEH, its Council members, and of course the regranting institutions is not in the government's interest. While NEH has gone to some lengths to avoid intrusion, the added procedures are nonetheless seen as bureaucratic intrusion by many of the regrant institutions' staff and trustees. although the intensified oversight process has been uneventful up to now—and we have full confidence in the integrity of the present administration—the procedures have the potential for serious mischief in the longer run. The increased oversight has been a test in advance of awards of the quality of the regranting institutions' selection procedures. The test indicates that the regranting institutions do their work very well and that it would be appropriate to return to the less intrusive oversight that has worked so well over the years—the system in which a rigorous system of review is used to select (and renew) regranting institutions but also a system where the decisions on individual fellowship are made by the regranting institutions and reviewed only later by NEH in connection with reports of the use of regrant funds. (It should be noted that NEH has ample authority to deal with abuse of regranting authority should a problem arise.)

To conclude this overview of the regranting situation as it applied to NEH, my colleagues and I recommend:

—That the Endowment Chairs be explicitly granted authority to make awards to private organizations that will in turn be empowered to regrant the funds according to a plan that has been approved through HEN's regular review process;

—That regrant applications (and reapplications) receive thorough review in terms of (1) the appropriateness of the applicant institution to administer such a program; (2) the rigor of the applicant's review process for regrants; and (3) the coherence of the objectives; and

—That in making regrant awards, NEH make clear that the regranting institution is authorized to make final awards based upon the approved plan.

—Ideally, in addition, Congress will act to establish a separate budget line in order to provide access to sustaining operating funds to the national institutions forming the infrastructure supporting scholarship. This final point is of fered both to place the issue on the agenda and with the hope that Congress will act on it now. We recognize that need to clarify and resolve the questions surrounding the use of the regranting mechanism are urgent and do not require additional budget for resolution, while a new program, involving additional funds, may require more time to develop.

THE NATIONAL HUMANITIES ALLIANCE

Active Members of the Alliance
American Academy of Religion
American Anthropological Association
American Association of Museums
American Association for State and Local History
American Council of Learned Societies
American Folklore Society
American Historical Association
American Musicological Society
American Numismatic Society
American Philological Association
American Philosophical Association
American Political Science Association
American Society for Eighteenth-Century Studies
American Sociological Association
American Studies Association
Association for Asian Studies
Association for Jewish Studies
Association of American Colleges
Association of American Geographers
Association of Research Libraries
College Art Association
Commonwealth Center for Literary and Cultural Change (University of Virginia)
Shelby Cullom Davis Center for Historical Studies (Princeton University)
Federation of State Humanities Councils
The George Washington University
History of Science Society
Independent Research Libraries Association
Linguistic Society of America
Medieval Academy of America
Modern Language Association
National Council of Teachers of English
Renaissance Society of America
Social Science Research Council
Society for Ethnomusicology
Society of Biblical Literature
South Atlantic Modern Language Association
Speech Communication Association
Virginia Center for the Humanities

ASSOCIATE MEMBERS OF THE NATIONAL HUMANITIES ALLIANCE

American Conference of Academic Deans
American Dialect Society
American Library Association
American Society for Aesthetics
American Society for Legal History
American Society for Theatre Research
Association of American Law Schools
Center for the Humanities (Wesleyan University, Connecticut)
College English Association
Community College Humanities Association
The Council of the Humanities (Princeton University)
The Hastings Center
Institute for the Humanities (University of Michigan)
Institute for the Medical Humanities (University of Texas Medical Branch, Galveston)
Institute of Early American History and Culture (College of William and Mary)
Midwest Modern Language Association
Philological Association of the Pacific Coast
Popular Culture Association
Shakespeare Association of America
Society for the History of Technology
Society of Architectural Historians
Society of Christian Ethics
South Central Modern Language Association
Doreen B. Townsend Center for the Humanities (University of California/Berkeley)
University of California Humanities Research Institute (University of California/Irvine)

RESPONSES OF THEODORE ZIOLKOWSKI TO QUESTIONS ASKED BY SENATOR PELL

Dear Senator Pell: Permit me again to express my appreciation for the opportunity to appear before your Subcommittee and to testify on behalf of the reauthorization of the National Endowment for the Humanities. The Endowment is an institution of major importance to the humanities community nationally, and many of us who have worked with, and benefited from, the NEH over the years feel a keen sense of obligation and commitment to that agency. We are especially grateful for the support that you have demonstrated so dramatically on many occasions since 1965.

In your letter you request elaboration on three points to which my testimony alluded.

Question. You mentioned the potential for "serious mischief" in the new NEH procedures for subgrants. What mischief might this be and what would be its impact on the quality of our nation's scholarship?

Answer. The "serious mischief" that I had in mind as a possible result of the new HEN procedures for subgrants is the implied invitation to subgranting agencies to reallocate their funds "creatively"—that is, to fund potentially questionable projects from other sources and to fund from NEH grants nothing but politically "safe" projects—projects that are sure to win the ethical seal of approval from those in the Congress who take an interest in such matters. The same sort of fundamentally deceptive tactic would of course be possible whenever a site visit from the NEH was announced: only "acceptable" projects would be discussed on that day.

The result, as I put it in my oral testimony, would be to encourage shrewd accounting practices in the subgranting agencies rather than true accountability. In the process, the NEH could well lose the opportunity to sponsor certain major projects of scholarship simply because the subgranting agencies, in their effort to second-guess the prevailing political agenda, would not bring them to the attention of the Endowment.

Question. In regard to the controversy over restrictive language, I wonder if you sense any kind of "chilling effect" carrying over into the humanities communities?

Answer. I sense very definitely a "chilling effect" that could carry over from the controversy in the NEA into the humanities community. The example I mentioned in my oral testimony was a distinguished work on *Greek Homosexuality* by K.J. Dover (Harvard University Press, 1979). This book contains photographs of homoerotic scenes from Greek vases that are at least as explicit as the photographs by Mapplethorpe that stirred up such controversy. Yet the book represents one of the major contributions to classical scholarship of the past decade.

The humanities community is not exempt from the sort of potential censorship that has threatened the arts community. Indeed, some of the most innovative and challenging humanities scholarship in recent years has focused precisely on topics that were long felt to be untouchable because of the prevailing norms. It would be a true cultural regression if American scholars should feel that they must back away from certain topics of research simply because they are not regarded as proper and suitable by critics in the government. Scholarly quality, as judged by peer review, should be the principal criterion. Scholars should be just as free as creative artists to pursue their topics wherever they lead. This is particularly the case with younger scholars, who find relatively few sources of support for their work but who are often the future leaders of their fields precisely because they are adventuresome. I am as impatient as anyone with some of the mindless excesses of recent scholarship (and art). But truly great works of scholarship and art cannot emerge and thrive in an atmosphere that is threatening or sag or chilling as a result of any suggestion that certain topics are "off limits." That would be a radical infringement of the academic freedom for which Western society has struggled for the past two centuries.

Question. You mentioned in your prepared testimony that many institutions within the academic "infrastructure" are facing financial difficulties. Some, you maintain, are not able to sustain "regular operations". What do you mean by "regular operations"? How do such financial difficulties impact on scholarship?

Answer. The independent national institutions that compose the infrastructure of scholarship include independent research libraries, centers for advanced study, and a few other institutions that facilitate scholarly work. While each has a distinctive history and raison d'etre, they have relatively similar regular operations. All of them, that is, foster scholarship through development and maintenance of collections of scholarly materials, and/or facilitate scholarship by providing financial, coordinational, and other support to scholars for individual and collaborative activities.

A handful of these institutions have endowments or other income sufficient to maintain these regular activities. In several instances, endowments created—in the last century were adequate for many years but have been—ravaged by the inflation of recent decades. As I stated in my testimony, many seek to supplement inadequate income for their regular activities through projects supported by foundations or the government. The catch 22 is that the projects usually entail new activities and can at best only partially support the regular operations.

These financial difficulties must almost always have a negative impact on scholarship sustained by the institutions. Some independent research libraries have been forced to reduce staff, sell parts of their collections, narrow the areas in which collections are developed, and make similar reductions in resources available for scholars. For institutions with facilities to maintain, the consequences are sometimes severe, as perhaps best illustrated by the new York Historical Society, in which paintings and other cultural artifacts were damaged through inadequate storage an outcome of pinched finances and deferred maintenance. Ultimately these institutions are forced to reduce direct support to individual scholars, most commonly by providing fewer or smaller fellowships.

I hope that these clarifications will be useful to you and your staff as you complete the hearing record. Above all, I hope that my testimony will support your continuing effort to reauthorize an endowment that has contributed so importantiy to the cultural and intellectual life of the nation—and to reauthorize it in a manner sufficienlly liberal and sufficiently generous to encourage the freest possible life of the mind in the United States.

Senator PELL. Thank you very much, indeed.

Dr. D'Arms, the use of NEH funds for the Ph.D. thesis was very much discussed 25 years ago and I am going to dig up the arguments pro and con from that time. There is nobody here to make the con argument, just the pro. [Laughter.]

If you would like to, I would be delighted to——

Ms. CHENEY. I would be happy to make that, Senator.

Senator PELL. Good. Maybe you would come forward for a second. Thank you.

I am inclined to say I am negative and I would like to——

Ms. CHENEY. Mr. D'Arms is well aware of my feelings. So my testimony will come as no surprise to him.

The impetus to proposals to have NEH fund graduate study in the humanities has come from a study that predicts dire shortages of humanities professors in the next century.

I have spent a great deal of time with that study and am convinced that it is seriously flawed. It assumes, for example, that the number of new Ph.D.'s who will choose to go into college and university teaching will continue to decline.

It has declined over the past few decades. As Ph.D.'s have come into the labor force, they have found themselves unable to get jobs at colleges and universities, and, therefore, moved into museums, into Government work and so on.

It seems to me quite clear that as the job market improves, and the job market will improve, that is quite certain, that the number of new Ph.D.'s going into college and university teaching will in fact increase.

Another very serious flaw in the study is that it looks upon the pool of people to be hired as only new Ph.D.'s. The pool is much larger than that. There are vast numbers in the pool of people who have earned Ph.D.'s in years when employment was unavailable in college and universities who are anxious to become college and university teachers.

In fact, between now and 1997—I wish I had the study in front of me. Because of the entire pool of Ph.D.'s produced is not considered as the hiring pool, but only those in the current year, the figure actually projects an excess of Ph.D.'s for the next 5 years or so, which would more than adequately cover the shortage it projects for the 5 years after that.

So there are some serious flaws with the study, though it has done a service in pointing out to us that the job market is improving.

There was an article in the Chronicle of Higher Education a few weeks ago. We have already seen evidence that because of talk about the job market improving people are beginning to go into graduate studies in an increasing rate. The number of graduate students at colleges and universities around the country, the number of locations has increased rather dramatically.

It seems to me this is the crucial point. I spoke to a group of college educators from land grant colleges and public universities 2 weeks ago and a dean from a Tennessee university observed that it is a rational market. When people perceive that this is now a worthwhile thing to do and that one might rationally expect to get a job when finishing this course of study, young people who are so motivated will go into it.

In a world of unlimited resources I think it would be fine to support Ph.D. study, but given that our resources are limited, this seems to be counterproductive.

Senator PELL. I thank you very much, Chairman Cheney. I will go over the arguments that were made many years ago and see how valid they are today. I will review the arguments that this panel is making, the arguments Dr. Cheney is making, and then the ranking member and the other members of the committee and I will try to reach a decision. I do not have a fixed view now except a feeling that we went through the whole exercise some years ago and it has worked pretty well since. When it is working do not fix it, but I may be overwhelmed by recent data. We may find the committee overwhelmed by the numbers and the arguments that you make.

Is there anything further discussion on this subject that any of you feel should go into Senator Kassebaum's and my thinking?

Dr. D'Arms. If I may, Senator?

Senator Pell. Yes.

Dr. D'Arms. I would just like to say that as one sees finishing Ph.D.'s at universities about to accept a first job at a college or university with some enthusiasm at $26,000 a year, with an inherited debt accumulation of something like $12,000 a year, with the Federal agencies not supporting, with the one exception of the Javits Program, any graduate work in the humanities at all, sends a rather chilling signal to the future generation of humanities teachers in colleges and universities, I think.

As Garrison Keillor pointed out the other day in another context, when you do not have a dime, no one is around. The great thing about the Endowment for the Arts in this case was that it was around. I think the Endowment for the Humanities could be around to a modest extent for some finishing research scholars, graduate students of the humanities.

Senator Pell. I appreciate your thoughts and we will weigh them very carefully. I wish my memory were sharper as to exactly what the reasons were because there were good arguments made 25 years ago.

Yes, Dr. Ziolkowski.

Dr. Ziolkowski. May I simply say a supporting word, Senator Pell? I agree vigorously with my colleague John D'Arms and I—well, this is not the time to disagree with the interpretation of Mrs. Cheney of the data in the Bowen-Sosa report.

It is not a question of whether or not graduate students should be supported by the Government. In fact, they are supported very, very extensively. We support graduate students in science. We support graduate students in engineering. We support graduate students in economics. We support graduate students in many fields, hundreds of them. What we do not support are graduate students in the humanities and that is the—there are few in the Javits Program and, as you know, that every year has a great struggle to survive.

Somewhere in the United States Government graduate students of the humanities need to be supported. I am not arguing that it is necessarily the NEH which should be doing it, but somewhere they should be supported to an extent that is more dignified than our present national programs permit.

Senator Pell. I remember the words of the first Chairman of the Endowment of the Humanities and Dr. Gregorian's predecessor, Barnaby Keeney. He said if you do it, it is the arts. If you write about it, it is the humanities. Maybe this was part of the theory. If a scientist ended up working in the Government apparat in some way, then he should be financed in part by the Government, but humanists who are not working in the Government apparat would not qualify for support. I do not know. This is something I will check on.

At any rate, one other question: what is your reaction, Dr. Ziolkowski, to the idea of restrictions in the current appropriations legislation?

Dr. **Ziolkowski**. I am completely against restrictions of that sort. I think there is fair unanimity of opinion here. I support everything that Mrs. Cheney said and that President Gregorian said.

There is no need whatsoever for restrictions. We have a tested practice in the peer review system. The peers are usually in the best position to review the proposals. It has worked well. There is always a possibility of checking afterwards and failing in the future to fund an agency that might not be good and reliable in its reviews, but so far the regrant and peer review within the regranting agencies has worked very well.

I see no need. It seems to me wasteful to spend the time and energy doing the work a second time. It seems to me also ethically very bad to be looking over the shoulder of the regranting agencies as though one did not trust them. That simply is not a very mature way, I think, of dealing with colleagues in the humanities.

Senator **Pell**. Thank you very much.

Senator Kassebaum.

Senator **Kassebaum**. Thanks, Mr. Chairman.

I guess I will put my 2 cents worth into this debate on the funding or support for the Ph.D. program. In my mind, it becomes more an issue of the priorities that we have with a limited budget.

I think it is important, but I do not think we are going to get the capable candidates for a Ph.D. program—going back to my earlier comments about elementary/secondary education—if we do not have a stronger focus there. We need to develop a stronger sense of the discipline of the basics, which really lead then, I think, to a strong humanities effort.

With limited funds, I would want to put the focus on that end unless there were some way to suggest that those who receive support for Ph.D. programs give so many years to teaching in elementary/secondary education.

Now not every doctoral candidate is a good elementary or secondary teacher, but I am just so convinced that it is an important focus. Perhaps as you work with the graduate programs, you might have some suggestions regarding ways in which they can be linked to elementary and secondary efforts.

I am pleased to have attended both the University of Michigan at graduate school and the University of Kansas for my undergraduate education. Someone said, I guess it was last year, that I was one of the few who had two schools in the playoffs in the NCAA finals. [Laughter.]

Anyway, I would like to ask, Dr. Debicki, if you notice any change in the students that you now see approaching language study?

Dr. **Debicki**. Yes, there has been a very significant change of attitude. Five and 10 years ago, students who were not particularly interested in studying foreign areas or foreign culture resisted language study.

Now we find students wanting to study language and one of our problems is that we do not have a system right now in place to satisfy those needs adequately.

We are teaching very large numbers of students with limited resources. We have not been able to move into our teaching system new discoveries in language teaching and especially new ways of connecting language, culture, and literature study and this is where I think the initiative of the NEH is so important because it will give us some support for bettering our system.

We face a very grave danger here. In fact, in the past of our country this has occurred before in the 1950's. There is a demand now for language study. If we cannot satisfy that demand with effective programs, there will be disappointment, disillusion and we might start the cycle back again. The pendulum will swing.

So I think it is imperative that we provide the courses, the training, the teaching, improvements in the secondary system that will allow language, literature and culture study to be better performed and that will satisfy the very real demands of these students.

At the University of Kansas, we are actually now turning away students who want to start the study of a language. I think by improving our teaching methods, by also moving the teaching of elementary language back into the primary and secondary schools where it belongs, we will be able to do a much, much better job and the specific initiatives which have been published in the NEH will do a wonderful job along these lines.

I might mention I neglected to mention that I am representing the Modern Language Association. I am on the executive committee of the Modern Language Association. The Modern Language Association has come out with a document, which is in my written statement. That document was taken very seriously by the NEH and out of that document and its recommendations came specific programs that NEH is setting up.

Senator KASSEBAUM. Are we not doing more in teaching modern languages at a younger age than we use to do even 15 years ago? Is this translating, then, into students wanting to continue on in languages as they move through the system?

Dr. DEBICKI. That is happening, but is not happening enough and it is not happening in a systematic enough fashion.

We have some programs in the schools where students start language early, but very often students interrupt the study of language.

We have at the University of Kansas still too many students who have taken 2 and 3 years of high school and junior high language and then have been away from it for 2 years and by the time they come to college they have to start all over again.

So I think we need a more effective system. On one occasion I was principle investigator of a grant that provided high school teacher in state with workshops that would build up their proficiency in the language and in methods. We had a great demand for this and it had immediate effect at some of the schools. We need more of this and there is a specific program NEH is suggesting along those lines.

Senator KASSEBAUM. Is there a return to Latin? Does anybody see an increase in that at the primary/secondary levels?

Dr. **Debicki**. All I know is that Latin is being taught at Lawrence High School and I am very pleased to see that. I do not know how many other——

Dr. **D'Arms**. National statistics show, particularly in large cities, an increased enrollment in Latin in the schools.

Senator **Kassebaum**. I thought that I had read that. I am pleased because, while we may wonder what good it does, I have always thought it was a great discipline. Perhaps that is because I happened to respond to it in high school, I think, better than I did Spanish. [Laughter.]

Anyway, thank you very much.

Mr. Chairman.

Senator **Pell**. Thank you. We will look into the question that you raised to the best of our ability.

We now have a third panel and Mr. Thomas Roberts, Executive Director of the Rhode Island Committee for the Humanities; Mr. Delmont Oswald, Executive Director of the Utah Endowment for the Humanities; and Dr. Robert Dyson, Director of the University Museum of the University of Pennsylvania and an expert in conservation.

Mr. Roberts.

STATEMENTS OF THOMAS H. ROBERTS, EXECUTIVE DIRECTOR, RHODE ISLAND COMMITTEE FOR THE HUMANITIES, PROVIDENCE, RI; DELMONT OSWALD, EXECUTIVE DIRECTOR, UTAH ENDOWMENT FOR THE HUMANITIES, SALT LAKE CITY, UT; AND DR. ROBERT H. DYSON, JR., DIRECTOR, UNIVERSITY MUSEUM, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA

Mr. **Roberts**. Thank you, Senator Pell and Senator Kassebaum for letting me speak to you today about the work of the State Humanities Councils.

When I travel around the country it is hard to miss that the humanities are meeting with more esteem in the public these days and that really cannot be a coincidence after 25 years of NEH and nearly 20 years of the State councils conducting their work to carry out the mission of promoting the humanities.

So after nearly 20 years, Senator Pell, I think that the Humanities councils are fulfilling the wish that you had for them of becoming part of the warp and woof of daily life in the States. It certainly is true in the Rhode Island.

They have accomplished this through two precious resources; money and standards. Through your foresight, Senator Pell, Congress provided the first money for this lively experiment, this State humanities program.

Congress still provides the bulk of State council support, but each year the proportion changes as more and more private citizens, foundations, corporations, and local governments recognize the achievements of the councils and the substantial need for their programs by giving millions more to underwrite their work.

The second precious resource is the set of standards that the councils have developed to ensure that the dollars, both public and private, are spent wisely and well. These standards were not developed easily or quickly, but by the careful attention of dedicated citizens who comprise the councils.

The combination of professional humanities scholars and members of the general public who are interested in the humanities provide a critical balance that makes the State programs work.

I think that, Senator Kassebaum, your years on the Kansas Committee for the Humanities would testify to that, that the balance is an important part of the effectiveness of State programs.

The programs do work. Let me report to you from the front lines, the minds of America are alive and well. They are being exercised more regularly and more enduringly than their corporal counterparts.

All this intellectual exercising is taking place in libraries, senior centers, museums, shopping malls, hospitals, parks, granges, reservations, buses, almost everywhere. It is hard work and it is rewarding work and Americans by the millions are devoted to this experience that Lynne Cheney has dubbed the parallel school.

Let me give a few examples. In South Kingstown, Rhode Island, 24 teenagers conducted oral histories of women who had gone through World War II as soldiers, nurses, factory workers, homemakers, as teenagers themselves. The project was called, "What did you in the War, Grandma?" The stories these women told were sometimes moving, sometimes hilarious, often her heralding.

One former WAC officer's account of her entry into Berlin less than a week after VE Day contained images of horror and anguish that I shall never forget. Clearly, the women have never forgotten and neither will the teenagers who collected these histories. Their understanding of that remarkable period and their appreciation of history itself will forever be precious to them. Their lives have been shaped perceptively by this intense experience.

In Rhode Island, we also conduct a living history program in which figures from Rhode Island history visit classrooms and engage students in spirited debate.

In one Providence classroom, a Cambodian boy was not responding to a visit by Roger Williams. His teacher had told us that he had never spoken in class, but when Williams recounted his banishment for his unpopular religious and political beliefs first from England then from Massachusetts, the boy opened up. He told his class in detail of the horrors that he encountered and he, like Williams, had been punished and banished for his beliefs, both political and religious. It was an extraordinarily moving moment, a testimonial to the power of ideas, to the value of history.

Rhode Island is not the only State that does living history programs. In Kansas, for a number of years, the Kansas State Chotocqua, funded by the Kansas Committee for the Humanities, has drawn thousands and thousands of Kansans and it should be a great deal of pride to Senator Kassebaum to note that the moderator of those sessions is portrayed by a man named Lauren Pennington, is Al Landen, a great Kansan.

Just a few weeks ago, Senator Pell, you and I toured a school in East Providence, Rhode Island, where we witnessed an exhibition of art work by children from the Third World, there to make a point that—to teach the children in East Providence about life in the Third World. That was funded by the Rhode Island Committee for the Humanities and I will carry with me for a long time the image of you standing in the midst of a third grade class answering their very strong questions about your visit to Thailand because they wanted to know about life in another culture. Even at the third grade level the humanities can be appreciated. For them, you were a living textbook. [Laughter.]

In order to continue this work, I urge you on behalf of the Federation of States Humanities Councils to consider reauthorizing the National Endowment of the Humanities.

The Federation wants you to consider reauthorizing for a period of 3 years. They feel that a more regular review of the Endowment and the State councils is a healthy and responsible exercise.

It is the method of the humanities themselves to continue questioning. If funding for the National Endowment had remained parallel with inflation during the 1980's, funding for fiscal year 1991 would be $223 million.

We urge you to consider this retarded growth of the Endowment in setting funding levels in the reauthorization. We ask this support not for ourselves, but for the millions of citizens across this country who exercise their minds in our programs.

We must keep the spirit of intellectual curiosity alive in this country, the spirit that animated Thomas Jefferson and George Washington Carver, Jonas Salk and Willie Cather. We must continue to be aware of the ideas of the past civilizations and of other cultures.

We must go on asking not just what and when, but why. This is the charge of the humanities and we ask your help in bring that charge to people throughout this land.

Thank you.

[The prepared statement of Mr. Roberts and responses to questions asked by Senator Pell follow:]

Prepared Statement of Thomas K. Roberts

Mr. Chairman, honorable members of the Subcommittee: Thank you for the opportunity to appear before you today to comment on the work of the state humanities councils.

I am Thomas H. Roberts, Executive Director of the Rhode Island Committee for the Humanities. It is a privilege to speak to you and a heavy burden to represent to you accurately the intensely vital and immensely varied work being carried out by the fifty-three state humanities councils. While I am familiar with some of the accomplishments of most of the councils, I can speak more authoritatively about the work of the Rhode Island Committee for the Humanities (RICH). I have been the Executive Director of RICH since 1973.

While Rhode Island is undeniably small, we share many of the properties of the other states (except the wide open spaces), and we have a population that is easily as diverse ethnically, racially and generationally as those anywhere in the country. The challenge to build a cultural education program that embraced all those interests and still drew substantively on the traditions of the humanities was one taken very seriously by the founding members of RICH. Quite frankly, it took a great deal of effort and imagination to fashion a program that could successfully match the fine scholarship available in southern New England with the determination to build an accessible, popular, representative public program for our state. But that effort has been rewarded in Rhode Island and in every state by the rich intellectual experience afforded to millions of Americans through the programs of their state humanities councils. We have felt that it can work, that it does work in Rhode Island and elsewhere, and that the state humanities program as a whole is one that Congress and President can look at with pride.

Certainly, there is little I can tell this Subcommittee about the purpose of the Endowment or the intent of the state councils. You are all keenly aware of the philosophical underpinnings of federal support for cultural programming. What I can tell you is that it is working. If numbers alone can gauge our success, then the state humanities councils have achieved stunning levels of success. Hundreds of volunteer board members encourage thousands of humanities scholars to participate in tens of thousands of activities that reach millions of Americans. From tiny libraries in southwestern Kansas or northern Mississippi to major museums in Chicago and New York, scholars from rural community colleges and major urban universities exchange ideas with audiences ranging from children in school to elderly in senior centers. And, while we have inevitably supported projects that have misfired, the quality of state humanities council programming has been astonishingly good. It has to be. Americans are too perceptive to accept pretense or nonsense. When the talk is empty, the rooms are too. We know rather quickly whether a program is working or not. And they do work. People stay at our programs, they participate, and they keep coming back.

There is an unfortunate tendency in some quarters to underestimate the intellectual curiosity of the American people. State humanities councils regularly provide opportunities to exercise that curiosity—to probe, to question, to debate—for people long finished with their formal educations. State humanities councils are bringing them stimulating, challenging programs—informative, well-designed exhibits and publications; lively lectures; provocative discussions; entertaining and enlightening films.

Let me report to you from the front lines: the minds of America are alive and well. They are being exercise regularly and more durably than their corporal counterparts. All this intellectual exercising is taking place in libraries, senior centers, shopping malls, hospitals, parks, granges, reservations, museums, buses, almost everywhere. It is hard work and it is rewarding and Americans by the mill ions are devoted to this experience that Lynne Cheney has dubbed "the parallel school."

In recent years, state humanities councils have reached beyond their traditional audience of adult Americans. Councils have made a strong commitment to enhancing the quality of secondary education and to ensuring the place of the humanities in secondary school curricula through institutes for high school teachers and through programming designed for the students themselves. In Rhode Island, the state council has for seven years conducted its own secondary school local history program, The Rhode Island Legacy. Acclaimed by scholars, teachers, students, and even the press, The Rhode Island Legacy series has had a significant and lasting impact on the 275 teachers and 38,000 students who have participated in it in the past seven years. Through this program, students directly engage in debate on moral and political issues that animated past generations and that, in many cases, continue to spark debate today. Teachers are exuberant about the Legacy's effect on their students' understanding of history.

This is just one project among the dozens funded in Rhode Island every year. And that can be multiplied by the thousands of activities supported by humanities councils in every state. In order to continue this remarkable work, I urge you on behalf of the Federation of State Humanities Councils to reauthorize the National Endowment for the Humanities for a period of three years. The Federation feels that a more regular review of the Endowment—and the state councils—is a healthy and responsible exercise. It is the method of the humanities disciplines themselves to explore continually, to continue questioning, to corroborate our principles.

As more and more RICH projects reach more and more people, the demand for state council support increases accordingly. But as demand has increased, the councils' financial ability to meet that demand has been restrained. Councils respond to reductions in Federal funding by enlisting support from state governments and from the very citizens who have benefitted from their active participation in council programs. The resulting generosity has aided immensely but never compensated for Federal reductions. But the good news is that the quality of the programming has remained constant. State humanities councils give taxpayers their money's worth.

If funding for the National Endowment for the Humanities had remained parallel with inflation during the 1980's, the appropriation for fiscal year 1991 would be $223 million. The Federation urges that NEH be authorized for 1991 at a level that acknowledges the delay in keeping pace with inflation, and that authorization levels for the following two years be set at such sums as may be necessary.

As the nineties dawn, Americans are ever more attentive to the absolute importance of education. But education is not a process that begins in first grade and ends twelve, sixteen or twenty years later. For most Americans, it never ends. That is why libraries, museums, repertory theatres, public broadcasting, adult education

programs and state-humanities councils have so many subscribers, members, friends, supporters, users. And the reality of the 1980's is that these valued and valuable institutions require financial support beyond what their users can provide. They—we—must turn to governments, local state and federal, for subsistence. The support we ask is not for ourselves, but for the millions of citizens who exercise their minds in our programs. We must keep the spirit of intellectual curiosity alive in this country, the spirit that animated Thomas Jefferson and George Washington Carver, Jonas Salk and Willa Cather. We must continue to be aware of the ideas of past civilizations and other cultures. We must go on asking not just who or what, but why. This is the charge of the humanities and I ask your help in bringing that charge to people throughout this great land.

RESPONSES OF THOMAS H. ROBERTS TO QUESTIONS ASKED BY SENATOR PELL

Dear Senator Pell: Thank You for the opportunity to appear before the Subcommittee earlier this month and for this further chance to answer some of your questions which time precluded at the hearing. Let me respond to them as you posed them.

1. *What should be done to improve the relationship between state government and the Committee? Does the Committee receive any funds through the state budget?*

The relationship between the Rhode Island Committee for the Humanities and the State of Rhode Island is excellent. That is evident in a number of ways. First, the Committee receives an appropriation from the state legislature for its secondary school program on state history, The Rhode Island Legacy. We have maintained this appropriation during the past two years when a number of state agencies have been significantly reduced (the Arts Council is slated for a drop in its state funding by nearly a third) and when others have been eliminated entirely.

The appropriation has come through the state legislature. Efforts to have the Governor include it in his budget have proven fruitless. But, because we could approach the legislature as an independent agency and demonstrate how efficiently we could put a modest appropriation to work, our state funding has continued. Rhode Island is not singular in this; at least 35 state humanities councils have received funding from their state governments, ranging from $2,500 to $1.1 million.

When we appeared before the Rhode Island House Finance Committee last week to testify about continuing our appropriation, the legislators were very familiar with our program and had nothing but praise for what it has accomplished. I wish I could report that there were sharp questions or minor criticisms, but I must report that the bipartisan support for RICH and its program was unanimous. These legislators know the program because the Rhode Islanders who benefit from RICH's work—their constituents—tell the legislators about it and why it should continue.

The Committee's relationship with the Governor is good as well, but far more passive. Only two governors have served in Rhode Island since Congressional legislation mandated gubernatorial appointments to RICH. Both Governor Garrahy and Governor DiPrete have made their appointments to the Committee, but except in a couple of instances it has always been because we pressed the Governor's office to act. This is not peculiar to RICH; the Arts Council has frequently had lengthy waits for the Governor to fill expired terms and vacant seats. In our case, both governors have most often appointed members from a list of nominees we ourselves have provided them. (The two exceptions in 13 years have been Lt. Gov. Tom DiLuglio and Carl Stenberg, a DiPrete speechwriter; both requested appointment to RICH.)

Our relationship with the agencies of state government has been fine too. Besides frequent contact with the Arts Council, we have been affiliated on various projects with the state agencies representing education, the environment, libraries, the elderly, health, mental health, corrections, transportation and the courts.

This rather lengthy response is to assure you that our relationship with state government is an excellent one. Our failing thus far has been in igniting a strong interest on the part of the two individuals who have served as governor since 1977. How it could improve, it seems to me, is if there is ever a governor elected who takes an active interest in history, literature and the other humanities disciplines. But to me the awareness and enthusiasm of state legislators and agency heads outweighs the nominal interest of those two individuals.

2. *What could Congress do through reauthorization to make NEH a more effective agency?*

The easy answer is more money, and I cannot deny the logic of that view. Because the Endowment and the state councils reinforce the intellectual infrastructure of the nation, the programs they provide are of critical importance in the 1990's.

There must also be a delicate balance struck between independence and accountability—independence because legitimate scholarship demands it; accountability because public funds are supporting these programs. The last reauthorization bill reinforced the Endowment's and the state councils' need for accountability. This bill might be an opportunity to reinforce their need for independence.

3. *Is there a "chilling effect" of restrictive language carrying over into the humanities communities?*

While the effect has not yet been felt as directly in the humanities communities as by our colleagues in the arts, it is no less real. The emphasis of those who would restrict program content has so far been on the overt content of visual material. The humanities, for the most part, deal in words. But once a wedge has been driven into what is considered officially acceptable, reasons can be found to oppose almost any idea, almost any book. And then, the Endowment and the councils would cease to provide encouragement for ideas, they would provide a monitoring service for the suitability of ideas. That prospect has led to significant apprehension and dismay in the humanities community. It also seems antithetical to the original intent of the two Endowments when you and Senator Javits established them 25 years ago.

Let restrictions be replaced by accountability; the apparatus is already in place. If works supported by the Endowments or the councils offend, there are existing remedies to redress that offense. Let the well practiced and efficient systems of the Endowments and councils remain sensitive to the standards of the communities they serve, both in Congress and in the public.

I had not intended to be so lengthy, but your seemingly uncomplicated questions probed at a number of issues close to the heart of the humanities programs. I hope that my answers help you in your effort to examine the work of the Endowment and the state councils and to draft reauthorization legislation that simultaneously defines their respective activities and serves the ever-growing demand for cultural programs by the American people.

I look forward to seeing you in Washington on May 3. Thank you again for this opportunity.

Sincerely, Thomas H. Roberts, *Executive Director*

Senator PELL. Thank you very much indeed. Mr. Oswald.

Mr. OSWALD. Senator Pell, Senator Kassebaum, Senator Simon, thank you.

I was reminded at your remarks that the arts do it, the humanities write about it, the fact that the State councils take that a step further, we talk about it and that is very significant because it means the humanities are then spread to everyone within hearing distance and reasoning distance. At the time of the discussion, we consider that a very important factor in what we do.

I want to thank the Congress too for the preservation of Thomas Jefferson's democratic ideal of an active and informed citizenry.

Again, this is what we are all about; preparing our citizens to reach a stage of enlightenment that they can know what decisions they are making and know what the implications of those decisions are, how they will effect their own lives, their communities, and their State, and their Nation.

This, I think, is most important.

We are involved in process of life long learning. Lynne Cheney has designated this the parallel school, which is a very appropriate term for it, but we are to help every individual in our Nation continue to learn to and think from birth until grave and to develop a Nation that will be improved because of this.

All productive people are students, whether they study text and ideas or whether they study simply through observation and experience, but the context through learning through observation and experience deals with a personal history, a value structure, various environments that are all focused in the humanities.

So the humanities for this reason are extremely important for all people. They are not, and I want to stress this, the elections of the elite. They are the tools for survival. They are the tools for reason and the reasons that we want to survive.

I want to just mention a couple of things that I think the State programs will play a great part in playing in the future. It has been predicted that in the year 2085 the Anglo society will become a minority in the United States.

Already we are seeing that racial tensions are increasing and that roots of discrimination the we hoped were long dead have started to surface.

Education is the one means, I believe, of developing the tolerance and the appreciation for a diversity that is going to be required of this Nation as we progress well into the next century.

We must also become evaluators of evaluators. Our communications systems that exist today are so complex, the type of learning that takes place people have to evaluate what they read. They have to evaluate what they hear. They can no longer take things on just strictly one level of information exchange. It is the humanities that teach people how to do this kind of evaluation and I think that the State humanities programs that bridge this gap between the academic world, the best ideas and thoughts, the most stretching thoughts with the everyday citizen on the street is exactly the type of program that our Nation is going to need more than ever as we progress into these types of things.

The Federation as made recommendations, as Thomas mentioned, that you perhaps consider reauthorizing every 3 years instead of 5. Some people are not too pleased with this, but I want you to understand we are very proud of what we do. We feel that our mission, and I have a passion about this, our mission of taking this kind of learning to our fellow man and woman on the street and in the Nation is most important and we want the Congress to know why it is important.

We would like the congressional representatives that are elected every 2 years to be involved in the process. We would like the Senators to consider it more frequently.

The amount of money that is put into a program does make a difference and we have been working on a budget that has been severely restricted over the past few years.

I have an administrative budget to run my program in Utah, which has continued to grow, I am very proud to say, because of the hard work of the volunteer committee and the staff, but that same administrative budget is very close to what it was in 1981 and we have had to stretch. We have had to cut certain areas in order to simply meet postage costs and to meet basic needs of running any particular office.

We would also like to be involved in any type of legislation or programs that further advance education in the Nation.

The humanities go far beyond the boundaries of just particular disciplines such as history, literature, philosophy, languages, etc. It is how those disciplines work, how they relate to everything we do in this world, and for that reason we think this is most significant and that we can play that part. We can do it at the elementary level as well as the middle school level, as well as the secondary and higher education level.

There has not been one quote from a text in this testimony and I have to give you a quote because this is one of the most wonderful things that has ever affected my life. It is a quote from T.H. White, his wonderful book, the Once and Future King in which he has Merlyn speaking to young King Arthur. He says this:

"The best thing for being sad, replied Merlyn, is to learn something. That is the only thing that never fails. You may grow old and trembling in your anatomies, you may be awake at night listening to the disorder of your veins, you may miss your only love, you may see the world around you devastated by evil lunatics, or know your honor trampled in the sewers of baser minds. There is only one thing for it then, to lear. Learn why the world wags and what wags it. That is the only thing which the mind can never exhaust, never alienate, never be tortured by, never fear or mistrust, and never dream of regretting. Learning is the thing for you."

Learning is the thing for all of us and Government support for the National Endowment of the Humanities and the State Humanities Councils is perhaps the best way to bring this vision to the people; one of the greatest services for democracy.

[The prepared statement of Mr. Oswald and responses to questions asked by Senator Pell follow:]

Prepared Statement of Delmont R. Oswald

Mr. Chairman and Members of the Committee: I am Delmont R. Oswald, Executive Director of the Utah Endowment for the Humanities, one of the fifty-three state and territorial humanities councils in the United States which are members of the Federation of State Humanities Councils. I also serve as a member of the Board of Directors of this Federation.

First I wish to thank you for your consistent support of Thomas Jefferson's democratic ideal of an active and informed citizenry, and for your support of agencies established for the purpose of making this ideal a reality—such as the state humanities councils and the National Endowment for the Humanities. Millions of the nation's citizens benefit each year from programs funded by these organizations which bridge the gap between the best minds and ideas at America's colleges and universities and the people living everyday lives who make up the backbone of our country. It is the enlightened citizen, the one who understands issues and options, who directly involves himself or herself in our democratic process that will fight to maintain it. The support you have shown, both financially and morally, verifies and announces to the world that a major goal of the United States Congress is to elevate its entire citizenry into that enlightenment. The agencies I represent, with your continued support, are providing the lilelong education programs essential to the welfare and growth of this democratic process. NEH Chairman Lynne Cheney, in her recent report entitled *Humanities in America*, has referred to this contribution as the "Parallel School," an appropriate appellation for the services we provide.

All productive people are continuing students, whether they actively study texts and ideas or simply learn from experiences and observation. What many do not recognize, however, is that learning through experience and observation must involve a personal context for the processing of information. This context is made up of one's personal history, value structure, and various environments—all of which are rooted in the humanities. It is the humanities that teach us who we are, what we are, and help to define our purposes for being. By understanding this context we are better able to design the direction our lives should take and the contributions we wish to make to our families, our nation, and the world. It is the humanities also that teach us how to learn, how to reason, how to evaluate, and how to be adaptable in a constantly changing world. No one can say that these are luxuries or elitist benefits for a select few. They are the necessary tools for survival. They are also the reasons we want to survive.

In 1952, Albert Einstein wrote, "It is essential that the student acquire an understanding of and a lively feeling for values . . ., a vivid sense of the beautiful and the morally good. He must learn to understand the motives of human beings, their illusions, and their sufferings in order to acquire a proper relationship to individual fellowmen and to the community. . . . This is what I have in mind when I recommend the humanities as important." NEH and state humanities council projects are for all people who in some way see themselves as students, who believe that learning is a lifelong process, and who value the enlarged perspective and deepened understanding that come from stretching their minds.

A 1987 report on the humanities entitled *The Humanities and the American Promise* stated, "The action of the humanities always starts with the sovereign individual who reads, writes, and reflects and makes moral judgments. To this extent, education in the humanities is a do-it-yourself activity." This pronouncement reveals one reason why the Utah Endowment for the Humanities and all state councils are so successful—we provide the resources for do-it-yourself projects. The major part of our budgets go to support good ideas that spring from many places: a filmmaker with a vision, a homemaker who yearns to discuss recent literature with other readers, a citizen who needs to know more about other countries to feel informed about foreign policy issues, a history teacher whose students are fascinated by archaeology and ancient people, or a professor excited by research findings who wishes to share them with the public. One person's inspiration becomes a grant proposal, which in turn becomes a program that encourages many others to read, write, reflect, and discuss in order to broaden their own visions and improve their judgment. Thousands of people—scholars, project directors, audience members—who value the humanities are involved each year, epitomizing the volunteer spirit that is so vital to America's success. Every one of them can feel pride in their participation in these ventures that enrich the community as well as the individual spirit.

In Utah we are celebrating fifteen years of operation. Since we awarded our first grant in 1975, we have supported nearly 1,300 humanities projects serving audiences in every county of the state. Our Humanities Resource Center distributes smaller programs, including media discussions, a Speaker's Bureau, and exhibits. In addition, UEH awards annually several $500 Teacher Incentive Program Grants, two research fellowships to Utah scholars, and a Governor's Award in the Humanities. The nearly $6,000,000 received over this period from the National Endowment for the Humanities has generated well over $12,000,000 in local in-kind and cash contributions, all of which is administered very responsibly and with great deliberation by volunteers from the academic and public communities.

Utah's achievements include projects that have dramatically affected the cultural life of our state. UEH funds helped underwrite the first United States Film and Video Festival which now enjoys international prestige and brings thousands of visitors to our state. Through two grants to the Ute Indian Tribe, a written language of its people was produced, along with materials to ensure its being taught and passed on to future generations. The Utah History Fair engenders interest in history among thousands of student participants and their families each year. The Utah Council for Humanities Education, a teacher support network, was founded with our aid, as were the Utah Humanities Forum, an organization for humanities administrators in higher education who rarely had occasion to collaborate, and the Utah Alliance for Arts and Humanities, a cooperative advocacy organization to promote the role of the arts and humanities in the schools.

This past year UEH funded some very diverse and exciting projects. Teachers workshops focused on South Africa, Ireland, Palestine, Israel, Afghanistan, China, the USSR, and the French Revolution. Excellent curriculum units were prepared and distributed, comparing the United States Constitution with constitutions of other nations, and teaching critical thinking skills. Several outstanding films and video tapes were underwritten, among which were a Cambridge debate format program entitled "The Issues of Privacy" and a cross-cultural documentary entitled "Native and American." Production has just been completed on "The Geography of Hope," a film biography of Wallace Stegner, a Pulitzer Prize winning author who lived and taught in Utah, and "A History of the Strawberry Valley Project," a video examining the history of Utah's oldest federal reclamation project. Other projects include a series of lectures in conjunction with the Utah Shakespearian Festival and the Greek Classic Festival, a tour of a one-man dramatic presentation on Patrick Henry, programs on Hispanic oral history, polygamy, English as an official language and the ethics of cheating. This variety and the far-reaching benefits are typical of the programs of every one of the fifty-three state councils.

Without question, I can say that the programs UEH has funded have contributed greatly to a better understanding of the lessons to be learned from the study of the humanities. In the coming years I foresee an even greater need for our programs. It has been predicted that by the year 2085 the Anglo population in most of the nation, including Utah, will become a minority. Already in our society we can see growing racial tensions, and old roots of discrimination which we hoped had perished are starting to revive. More than ever before our states and nation will have to rely on education to create a tolerance for diversity and a strong sense of community. The state humanities councils and their programs are in an ideal position to address this and other problems that will come with the changing political and economic structure of our world. As Linda Ellerbee, a prominent newspaper columnist, has written, "If we believe in absurdities we shall commit atrocities." We must do all we can to create a rational civilization that prides itself on its understanding and ethical dealings with one another. The humanities do this.

To accomplish these objectives, the Federation of State Humanities Councils strongly urges that the National Endowment for the Humanities be reauthorized for a period of three years. The programs which the Endowment supports are extremely important to our nation and the Federation believes it is valuable for the Congress, the Administration, and the public to more regularly review the development of the humanities and to focus on the inner workings of the Endowment more often. The Federation feels that a five year reauthorization period is too long and that a three year extension will keep Congressional and Administration leaders abreast of the record of achievements of NEH and the state councils.

Further, Mr. Chairman, the Federation recommends that for Fiscal Year 1991 the NEH be authorized at a minimum level of $223 million, the amount that would be needed to meet the cost of inflation which has occurred since Fiscal Year 1981 when the NEH received $151.299 million. For the remaining two years, the Federation would recommend that the authorization levels be set at such sums as may be necessary.

The Federation strongly supports the freedom that is provided to the state councils in developing public humanities programs as intended by the legislation and would encourage that that environment continue in the future.

Lastly, the Federation strongly supports legislation that will strengthen humanities education across the country. The humanities need to be at the foundation of any effort to improve our educational system in the future. The state humanities councils have played a vital role in the development of humanities education and any expansion should include this vital link.

In closing my testimony, I would like to share some wisdom from one of the great thinkers of our century, T.H. White. In his wonderful book *The Once and Future King*, he has Merlyn, the magician pass on the following advice to the young King Arthur: "The best thing for being sad, replied Merlyn, . . . is to learn something. That is the only thing that never fails. You may grow old and trembling in your anatomies you may be awake at night listening to the disorder of your veins, you may miss your only love, you may see the world around you devastated by evil lunatics, or know your honor trampled in the sewers of baser minds. There is only one thing for it then—to learn. Learn why the world wags and what wags it. That is the only thing which the mind can never exhaust, never alienate, never be tortured by, never fear or distrust, and never dream of regretting. Learning is the thing for you." Learning is the thing for nil of us, and governmental support of the National Endowment for the Humanities and the State Humanities Councils is perhaps the best way to bring this vision to the people—one of the greatest services for democracy.

RESPONSES OF DELMONT R. OSWALD TO QUESTIONS ASKED BY SENATOR PELL

Question. What is the nature of the relationship between the Utah Endowment for the Humanities and the Utah state government? Do You receive financial support through the state budget?

Answer. UEH's Relationship to Utah State Government—Five members of the UEH Board of Directors are appointed by the Governor. We do not receive any state financial support at this time. My Board is pursuing prospects of obtaining state funds, but do not wish to jeopardize the independent integrity of their grant-making process by becoming a state agency subject to political pressures and party politics.

Question. Could you elaborate further on the recommendation of the Federation of State Humanities Councils that the NEH be reauthorized for 3 years rather than 5?

Answer. Recommendation for Three-Year Reauthorization—I would refer to my written statement in which the Federation of State Humanities Councils recommends a three- rather than a five-year reauthorization period in order to more frequently involve Congress with NEH and its services to the nation and to individual states. We are proud of what we do and feel the Congress needs to know more about our program and understand more fully how important we are to maintaining an educated and knowledgeable democracy.

Senator PELL. Thank you very much, Mr. Oswald.

Now we turn to Dr. Dyson, who Clarissa Pell wrote me about. I am very glad you could be here.

Dr. DYSON. Thank you, sir.

I appreciate, Mr. Chairman, the opportunity to appear before your committee. I wish you and your colleagues could have been with me last night at Harvard University where in my capacity as a chairman of the Visiting Committee we opened a new major installation of the North American Indian Gallery at that institution and the gallery is made possible by very strong support from the National Endowment of the Humanities and it is a great testimony to the richness of the culture of the American Indian. I think it will be very well received by the Nation in general when it becomes well known.

I have been director of the University Museum for the last 8 years, but I have been at the University Museum as the curator of North eastern archaeology for 36 years and I interrupted that career for 3 and a half years to follow my friend Vartan Gregorian as Dean of the Faculty of Arts and Sciences at the University of Pennsylvania.

I have submitted to you my testimony in writing on behalf of the museums in general, in particular, in the context of the reauthorization of the National Endowment of the Humanities, drawing your attention to the importance of a program, the National Heritage Preservation program, which was initiated last year.

The testimony was prepared with the cooperation of a number of museum personnel and the National Institute for the Conservation of Cultural Property.

This program, which was a new one, addresses an area of serious national concern and indeed crisis, since it addresses a problem that will not wait. That is the problem of conservation of entire collections as distinct from the conservation of individual objects. We have quite a number of programs and sources of support for dealing with the problem of conservation of individual objects, but that investment is largely wasted if we cannot then place those objects on exhibition and in storage in environments that are controlled that preserve and stabilize the conditions of those individual items.

We have listened to very eloquent testimony from our colleagues talking about the humanities and the world of ideas and history and the importance of our knowledge of civilization. I would simply like to point out that for many, many periods of time and for many tribal people without writing, there is no written record and that, therefore, the collections which we preserve in our museums are the documents from which we must understand how they developed, how they were organized, what the history of their technology and ideas was.

These are unique items. They cannot be replaced once they have been destroyed or are lost. We hold many, many items from many parts of the world. My museum alone in the last 103 years has sent out almost 400 expeditions to every corner of the inhabited Earth to collect materials and to use them for study and research.

So that these collections are the basis on which continued learning of the history of mankind that takes place and they are the basis also for the education of the young and the old, as well as for the enjoyment by the public.

These objects are not static. As are environment changes in the physical terms, also the environment intellectually changes and, therefore, the significant end of the objects are constantly having to be revised and renewed, which is one reason why we keep doing new exhibitions.

Our perspective shifts as we learn, as we go along.

Our major problem in most museums is that they occupy buildings which were not built in recent time and they have, therefore, very few environmental controls and this results in conditions which deteriorate this material.

This is not a sexy subject to try to raise money for from the private community and it is very important, therefore, to have a Federal program which shows and indicates to the people who can help us from the private sector that there is a real need which is recognized to be of national importance and which will provide an incentive for those people to provide additional funds to help solve the problem.

I would like to pass around to you very briefly several photographs and one or two objects that I brought down with the help of our conservator just to make this abstract thing more real to you.

In our collection, we have a large collection of written documents on clay and papyrus. Here are two pages. One is a page from Homer, which was written in the second or third century A.D. in Egypt and excavated by one of our excavations.

Another is a Hebrew copy from approximately the same period of a chapter of Genesis. I tried to ascertain what the story in Homer was and I have to say with no intention of reflecting on the Congress, it happens to be the story about the God putting the winds in the bag and tying it up so that they would not hurt him. [Laughter.]

One of the seaman got curious when Ulysses fell asleep and opened the string and the winds got out and he—although he was in sight of Ethica, they were blown away and spent a long time traveling around.

Those documents are subject to destruction as a result of high light levels if they are exposed for long periods of light by molds and by airborne pollutants.

Another problem we have is with objects of wood and here is a photograph and an actual statue and you can see that the pieces have suffered splitting and terrible damage because of the low level of humidity in which they have existed.

Then we have another range of material, which are metals, and particularly bronzes. Here is a Buddhist head from the 16th and 17th century from Thailand and here is a bronze spearhead in the Turkish Bronze Age. It is 4,000 years old and they have existed for quite a while, but they are now in a state of gradual deterioration because of high levels of humidity.

The problem is that if you cannot stabilize the temperature, you cannot stabilize the humidity, you cannot clean the air, control the atmosphere that all of these objects are subject to destruction and to attack.

Finally, there is a photograph here of a seal. It was a seal that was used by merchants who traveled from India to the Persian Gulf 4,000 years ago to stamp their merchandise with and this seal was a very important piece in our collection. One day it simply exploded. The photograph shows you a cast of the impression of the seal and shows you the remains of the seal. This was due to the cyclical going in and out of the object of the humidity, which activates the salts that are in the—all of these objects have salts. The salts crystallize and when they crystallize they expand and the objects are in effect dynamited almost.

In a few moments you can lose precious documents. It is a slow and insidious process. It threatens the remains of mankind's culture, the remains that are in our hands as trust in American institutions and if we do not act to do something about this, future generations will not have these materials to—there is a final picture to pass around which is objects which have been cleaned and mounted for exhibition from the 8th Century in Ancient Iran.

Thank you, sir.

[The prepared statement of Dr. Dyson (with an attachment) follow:]

PREPARED STATEMENT OF ROBERT H. DYSON JR.

Mr. Chairman, I would like to discuss the National Heritage Preservation Program established by Congress last year and administered by the National Endowment for the Humanities. Attached to my testimony is an overview of support for conservation during the last five years, which highlights the role played by the National Endowments for the Arts and the Humanities and the Institute of Museum Services. This was prepared by the National Institute for the Conservation of Cultural Property.

The National Heritage Preservation Program (NHPP) responds to what has long been identified as one of the highest priorities of the conservation field: helping institutions stabilize collections of material culture. In 1984, the National Institute for Conservation published two seminal reports, *Ethnographic and Archaeological Conservation in the United States* and *A Suggested Curriculum for Training in Ethnographic and Archaeological Conservation.* These reports established two critical priorities, which were to:

—stabilize collections from active decomposition; and,

—provide specialized training for preventive care training for staff members of museums as well as professional conservators.

"Material culture" can be defined as the tangible objects of a given society that reflect the ideas and activities of a people, from prehistoric times to the present. Collections of material culture may include all objects used by, made by or resulting from the use of a people and can be composed of both the cultural and natural materials of the human environment. These objects are an integral part of the record of civilization. Together with written documents contained in our libraries and archives, they provide the basis for continued learning and enjoyment by scholars, curators and the public.

Out of the more than 133 million objects reported by the sample of 364 museums in the Institute of Museum Services' 1985 study *Collections Management, Maintenance and Conservation: A Study of America's Collections*, a report funded by the Congress, more than 25 percent were objects of material culture. Books, documents, negatives and photographs amounted to almost 20 percent of the objects housed in these institutions. These are comprised principally of material that provides documentation of collections. [Note: Preserved animal specimens (29.3 percent), philatelic material (11.3 percent), furniture (6.6 percent) and works of art on paper (1.9 percent) accounted for the bulk of other kinds of objects. Previous studies estimate the number of museums at more than 5,000.]

The deteriorating conditions of many collections of material culture have been caused by inadequate or non-existing environmental and security controls, improper storage facilities and insufficient or no conservation treatment. We currently lack the human and financial resources to care for what we have. There is a severe shortage of professionally trained conservators and collections care technicians to cope with the situation.

These are not glamorous subjects. By their very nature, they are unlikely to attract private contributions or support from state and local governments without an incentive such as the NHPP. Those who support museums would much rather be identified with the construction of a new gallery or the acquisition of an important artifact. However, such conservation needs must be met if our collections are to be preserved for present and future generations. Collections care is the essential underpinning that makes public programs possible.

The National Heritage Preservation Program was recommended to Congress to respond to the needs of collections through providing matching support grants for:

—security, fire prevention, climate control and lighting systems;
—renovation of storage space and acquisition of storage equipment and supplies;
—hardware and software computer costs and photography of objects for cataloguing and documentation;
—pest control equipment;
—installation or renovation of conservation laboratories; and,
—personnel to implement and oversee these improvements. Support is also needed for training programs for conservators and collections care technicians.

Mr. Chairman, if I may, I would like to take a minute to discuss several of these areas in detail.

SECURITY, FIRE-PREVENTION, CLIMATE CONTROL AND LIGHTING SYSTEMS

It takes a tragedy as has just happened at the Isabella Stewart Gardner Museum in Boston to bring to the public's attention the importance of museum security. Eleven paintings and a Shang dynasty bronze beaker worth more than $200 million, according to the museum's curator, were stolen.

While we normally assume such thefts occur only in art museums, no category of objects remains immune. Items that were once mere ethnographic curiosities are now sought by art collectors, and collections currently insured for thousands of dollars are now worth millions. (A single Mayan pot, for example, may now be valued at more than $10,000). Most importantly though, the value of these objects to our continuing education and growth as a society is priceless.

Proper documentation should be among the first steps taken to safeguard a collection. It is essential that objects be well described and photographed. If a theft occurs, a detailed description can then be circulated to law enforcement agencies as well as collectors and galleries who might unwittingly acquire a stolen object. While the world-renowned pieces taken from the Gardner Museum cannot be sold on the open market, the same protection of notoriety cannot be applied to that Mayan pot of which I just spoke. Should such an object be discovered and become a case for litigation, proper documentation is essential to its recovery. In addition, physical security (alarms, lighting, independent key systems) and proper training of security guards are essential to protecting our nation's treasures.

The same urgency applies to protection against fire. Imagine the destruction a single spark could bring to a collection of fragile textiles. Or the damage smoke poses to wooden objects. The destruction of a fire is even greater should it occur in storage areas where objects are frequently piled on top of each other, wrapped in newspapers or stored in cardboard or wooden boxes.

Many collections of material culture are kept in old buildings or historic structures that were not originally designed as museums. While they may be of historic value in and of themselves, they often require renovation and modernization to protect the collections. Even museums in newer buildings need constant maintenance or renovation to keep pace with newer technological advances.

Natural light sources such as windows and skylights are one of the chief culprits of destruction to collections in older buildings. Replacing the glass with glazed panes or screens that filter the damaging ultra-violet rays of the sun is effective protection for delicate objects and specimens. Even too much artificial light (incandescent or fluorescent) damages works of art on paper by promoting "mat burn," fading oil paintings and weakening the canvas support, fading textiles and hastening the destruction of ethnographic items made of natural materials. Light damage is obvious to many museum professionals but the public is frequently not aware of the damage that can occur from too much light in a gallery or storage area. Some institutions are now telling their visitors that light levels in exhibit areas have been purposely reduced for protection and preservation, particularly for textiles and paper materials. This is an example of how museums can teach the consumer about conservation.

Collections of material culture call for modern and often complex systems of climate control. Take, for instance, a collection of Native American artifacts, which might include costumes made of delicate feathers, durable pottery, woven blankets, painted wooden vessels and fur clothing. Other objects in the collection probably include perishable items such as skin, hides or bone. Each of these materials has its own needs in terms of climate control although they may all be housed in a few rooms or in the same museum gallery. An adequate system must protect each of these objects while compensating for their very different, and often conflicting, climate control requirements.

All too often, climate control does not extend beyond the exhibition space into storage areas. As I noted earlier, storage is often the most neglected part of a museum's operation. An object that has survived for millions of years in the desert sands can be destroyed within the space of just a few years in a damp basement.

RENOVATION OF STORAGE SPACE AND ACQUISITION OF STORAGE EQUIPMENT AND SUPPLIES

As you know, Mr. Chairman, almost all museums own many objects which cannot all be exhibited at the same time. Indeed, museums in America often display only a small fraction of their collections while most remains in storage.

For example, at the University Museum of which I am the director, we have 1.5 million objects in the collection and only one percent is on exhibit, while 99 percent of the collections is in storage. The artifacts in storage are valued for their research contributions and many are never meant for public display. Storage in museums can be likened to the "stacks" of a research library. Delicate objects such as textiles must be rotated in and out of exhibitions as they are too fragile to stay on exhibition for extended periods of time, even under the most ideal lighting conditions.

Proper storage is imperative to maintaining our nation's collections. In most museums, these facilities are in appalling condition. Frequently, they are simply extra rooms or hallways that have been turned into storage areas because no other space is available. Objects are often directly exposed to the deteriorating effects of unfiltered sunlight, insects and larvae, mildew, dust or other air pollutants and fluctuating temperature and humidity. Unexposed objects are often wrapped in paper or stored in cardboard boxes whose acidic qualities hasten decomposition. Even wooden shelves and boxes can release harmful chemicals that accelerate deterioration.

Another major storage problem is the common practice of compacting: baskets are nested, pots are stacked, textiles are folded on top of another. In the process, fibers warp, weaving stretches or breaks and pottery chips or fractures. Further damage occurs when human hands must plow through piles of objects or reach between stacks of artifacts to find a given object. When shelves, boxes or stacks are improperly labeled, even more objects are subject to damage from handling.

Collections should be completely inventoried, cross-referenced, and the location of each object in storage accurately noted. Storage areas should be efficiently designed for quick retrieval with minimal disturbance to neighboring objects. Adjacent research space should exist to minimize the inefficient and potentially dangerous process of transferring objects to areas where they may be more closely studied.

TRAINING FOR CONSERVATORS AND COLLECTIONS TECHNICIANS

The National Heritage Preservation Program should also provide support for the training of conservators of material culture, another long-neglected area of need. The philosophy and practice of conserving such collections must reflect the fundamental value of the specimens as cultural documents and their potential use for scientific research. The methods of treatment often differ from the traditional approach to conservation that has been applied to paintings and other works of artistic or historical significance. Collections of art are often restored to their original appearance to display their aesthetic value and the artist's intent. Restoration treatments may also be appropriate for some historical objects which call for returning them to the appearance of a certain time. In some cases, articles from collections of material culture may require similar restorative treatment for exhibition purposes.

However, in most cases, the conservation needs of collections of material culture should take into account the fact that they are valuable scholarly reference materials. During conservation treatment, all evidence that may aid in reconstructing the original context and history of the artifact must be preserved, or at least recorded, since alteration of this documentary evidence through over-cleaning or inappropriate restoration interferes with future interpretation and research. As you can see, Mr. Chairman, this calls for highly specialized training which must foster an approach to the artifact's original function, its subsequent cultural modification and its value for future study.

Treating individual objects has traditionally been the focus in museum conservation; training programs have responded by providing specialized "medical school" instruction, educating surgeons. Highly-trained conservators spend much of their time "dealing with collections care needs in their museums that others could accomplish with less training. In museums without conservators, these needs are not addressed. While much still remains to be done in this field, it is critical that training be provided in the constant monitoring of collections and their environment by training museum staff members who would serve as "paramedics" or "nurses" and would know when to call in a professional conservator.

Caring for Collections: Strategies for Conservation, Maintenance and Documentation noted that "the first step in caring for collections is the proper maintenance of their environments in storage and on exhibition." This report recommended training paraprofessional collections technicians as a primary goal. It also stated that these technicians could "handle the lowest levels of conservation—routine collections maintenance activities normally either completely neglected or done by conservators—freeing the conservator to carry out activities that require special expertise and training. Tasks such as routine environmental control monitoring, daily surveying of exhibition areas, matting, framing and preparing preliminary condition reports can be handled by a paraprofessional trained in conservation awareness. . . ."

In response to these recommendations, in 1985 the Bay Foundation committed more than $500,000 to the Pilot Collections Care Training Program, administered by NIC, to address this need. The curriculum focused on anthropology, art, history and natural history collections and was designed to provide comprehensive training in collections care and maintenance. With the results of these pilot programs in hand and matching grants, the field is in a position to initiate ongoing training programs. The ultimate goal is to have *in every museum on a permanent basis a staff member(s) who would have as part of his or her job description essential elements identified by the four pilot programs.*

SUMMARY OF THE NEEDS

Last year, the Congress initiated the National Heritage Preservation Program with an appropriation of more than $4.1 million. The following is an outline of what is needed in incentive matching grants to fully implement it.

Based upon a review of several studies, some of them cited above, it is estimated that in the next fifteen years there will be a need to renovate and upgrade more than 12 million square feet of storage, laboratories, preparation areas and exhibition space. The cost will average $20 per square foot for a total cost of at least $250 million.

Increased funding for the National Heritage Preservation Program is needed to provide the necessary impetus to raise matching funds of an equal amount to insure the preservation of our cultural heritage. Even more important, NHPP will help participating organizations convince trustees, individual contributors, businesses and foundations as well as state and local governments that collections care is an important priority. $8.5 million in federal matching support for 15 years would meet the capital improvement needs for these collections.

Grants should be available for a maximum of one million dollars to be used and matched over a five-year period. It must be emphasized that this effort should be administered on the basis of the importance of the collections and their need. It is anticipated that those qualifying will receive support for documented needs, which will mean that fewer grants may be made each year.

We anticipate that over 15 years, a National Heritage Preservation Program funded at $8.5 million a year would serve at least 440 institutions. The distribution pattern might resemble the following:

15 Institutions @ $2 million to $1.5 million	$25,000,000
35 Institutions @ $1.5 million to $750,000	37,500,000
125 Institutions @ $750,000 to $250,000	40,000,000
250 Institutions @ below $250,000	25,000,000

	$127,500,000
Minimum Capital Improvements Matching	$127,500,000
Total	$255,000,000

The program should require that applicants plan comprehensively for collections care. Applicants should present proposals for grant matching, raising increased operating costs that result from improvements implemented and generally increasing the public awareness of the importance of collections care. It is expected that the experience gained from the NHPP will generate new ideas and build on existing ones. For example, the Bishop Museum in Honolulu is planning to put a glass wall between an exhibition area and storage space to provide visitors with a better understanding of why storage space is needed and important. Many other innovative strategies can be used and others will be developed as a result of the NHPP.

$1.5 million a year is needed over the proposed 15-year term of the National Heritage Preservation Program to provide matching support for collections care training courses and degree-granting programs for professional conservators.

The National Heritage Preservation Program would train more than 400 participants in collections care and 20 professional conservators each year.

Seven collections care programs, training 60 participants (a total of 420 additional staff members) each year also are required. After initial capital expenditures, annual operating costs will average $200,000. (Three-quarters federal and one-quarter matching.) This estimate does not include space for housing the training programs, which would be provided by the museum or other institution offering them.

Three professional conservation training programs concentrating on collections of material culture, including natural history, are needed. Each program would train up to 10 graduates each year. Alter start-up costs, the operating budget for these programs will be $500,000–$600,000 each year. (One-half federal and one-half matching.) This does not include costs for basic facilities, which would be provided by the university and cooperating museum.

The following summarizes the costs for these programs:

7 Collections Care Training Programs (multi discipline) @ between $140,000 and $150,000 each	$15,000,000
2 Degree Granting Programs for Professional Conservators @ $250,000 each (Note: It is anticipated that the Getty Conservation Institute will support an additional program.)	$7,500,000
	$22,500,000
Minimum Training Program Matching	$13,000,000
Total	$35,500,000

CONCLUSION

I hope my testimony has helped illustrate how full funding for the National Heritage Preservation Program will provide the necessary support for the stabilization of collections of material culture. One area not in the current guidelines that I would like to see included in the future, if funding permits, is matching support for the installation or renovation of conservation laboratories across the country. The number of laboratories nationwide should be expanded; most of the facilities at existing laboratories need to be upgraded. Attention should also be paid to laboratories at regional centers so that smaller institutions do not have to send objects from their collections thousands of miles for conservation treatment.

Over a fifteen-year period, federal funding of $10 million ($8.5 million for stabilization of collections grants and $1.5 million for training) will be required annually to address the needs of these irreplaceable resources.

Mr. Chairman, I would like to conclude by thanking this committee for its past support of conservation efforts within the federal government and to encourage you to support this vital program. In closing, I would like to quote from the President's Fiscal 1991 Budget Request to Congress, a document rarely appreciated for it memorable prose. The section summarizing support for all endowments, institute and other federal cultural agencies is entitled "Preserving America's Heritage." It eloquently sums up the reasons why our collections must be protected:

> America is a nation of immigrants, whose common heritage includes the thinking, art and science of the homelands of those who have come here and are still coming here. It includes the multiple encounters of these immigrants with the continent, with each other, and with Native Americans. . . . It includes the communities, customs and folkways . . . the roots of our many pasts. The preservation, understanding and passing on of the best of this heritage is essential if Americans are to know what it is to be "American."

CARING FOR AMERICA'S HERITAGE—INVESTING IN OUR COMMON WEALTH

Our nation's heritage is embodied in its:

artistic works;
documents, books, film and information on magnetic media;
historic structures;
historical objects;
material evidence of past and present cultures; and,
natural history specimens.

These are the irreplaceable treasures that tell us where we have been and where we plan on going in the future. Viewed another way, these are the capital resources we must now care for so they will be available to present and future generations.

In order to assure that this heritage is available it is essential:

—to increase public awareness of the need for preserving our nation's heritage;
—to make ongoing care and conservation a fundamental priority of historic preservation organizations, libraries and archives and museums and historical societies; and,
—to coordinate conservation and preservation activities.

These are also the goals of the National Institute for the Conservation of Cultural Property, Inc. (NIC). NIC is the national forum where conservation and preservation leaders, directors of the institutions responsible for the care of our nation's heritage and decision makers work to address these challenges. NIC's programs and projects further advance these goals.

Reauthorization of the National Endowments for the Humanities and the Arts and the Institute of Museum Services is essential to continuing the progress that has been made toward developing and implementing a national conservation strategy. Such a strategy will comprehensively address collections care needs and enhance the partnership of support from individuals, businesses, foundations and state and local governments.

Through federal incentive grants, the endowments and the institute, along with the state historic preservation offices, provide leadership to thousands of private and state and local government institutions which hold these treasures in trust for all citizens. Because programs for historic preservation are not being considered by the committee, they will not be addressed in detail at this time.

THE ROLE OF THE ARTS AND HUMANITIES ENDOWMENTS AND THE INSTITUTE OF MUSEUM SERVICES

Since the previous reauthorization, the endowments and the institute have strengthened their policies and program' administration. In some cases, sorely needed additional resources have been allocated to these efforts. Peer panels have provided recommendations for improving guidelines based on their professional experience and a review of applications. For example, IMS recently launched the Conservation Assessment Program (CAP), administered by NIC. It is designed to provide museums with smaller budgets the opportunity on a first come, first serve basis to obtain an assessment of their entire museum so the collections care needs can be addressed. The CAP report will assist participating institutions in long-range planning; provide recommendations for implementing improvements; and serve as a tool for fundraising, especially at the local level. CAP is modeled after the very successful IMS Museum Assessment Program (MAP), which has proven effective in providing assistance to museums, especially those with smaller budgets.

In response to the last reauthorization, the Institute of Museum Services provided the Congress with a report, 'The Nature and Level of Federal Support for Museums in Fiscal Years 1985 and 1986. This report contains an analysis of support for conservation. While there has been no similar effort in the library and archive field, principal support for these institutions comes from the NEH Preservation and Challenge Grants Programs

The following chart shows how the endowments and the institute support conservation and preservation activities. Grants are provided to libraries, archives, museums, historical societies and organizations that preserve film.

[In Thousands of Dollar]

Program	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90 [1]
Institute of Museum Services: Conservation Support	$3,219	$3,243	$3,200	$2,903	$3,200	$3,200
National Endowment for the Arts: Museum Program	2,370	2,011	2,238	2,165	2,250	2,322
Media Arts Program	800	800	800	800	525	1,165
National Endowment for the Humanities: Office of Preservation	0	4,059	4,129	4,700	12,330	17,453

[1] Appropriation

The principle budget increase has been allocated to the NEH's Office of Preservation. In response to a NEH capability statement, the Congress provided almost $8 million in fiscal 1989 for a comprehensive preservation program of which the most significant component is for microfilming of brittle books and serials. In fiscal year 1989, just over $4 million was added to fund the first year of the National Heritage Preservation Program. In his 1991 budget, the President requested $ 19 million for the Office of Preservation of which $4.2 million is for the second year of the NHPP.

Grants from additional endowment programs and other federal agencies also make a valuable and important contribution to preserving our nation's heritage. Examples include:

> The NEA Expansion Arts Program, in collaboration with the President's Committee on the Arts and the Humanities, awarded a grant to the African American Museum Association to identify works in need of conservation.
>
> Since 1977, the NEH Challenge Grant Program has continued to respond to applications for conservation and preservation assistance. For example, in fiscal years 1985 and 1986, it awarded $2,131,824 and $588,000, respectively, to museums to address conservation needs. The NEH Museum Program supports conservation surveys and treatments for artifacts of significance to the humanities when these works are included in interpretive exhibitions or installations. In fiscal 1985 and 1986, this support totaled $199,127 and $211,199, respectively.

The Role of Other Federal Agencies

The following highlights other federal agency programs that provide some support for conservation and preservation:

> The National Historical Publications and Records Commission supports the preservation of documents and records as part of its grant program.
>
> The Department of Education's Strengthening Research Library Resources Program incorporates preservation of books and manuscripts into its awards. In fiscal 1988 and 1989, this amounted to $851,000 and $592,000, respectively.
>
> The National Science Foundation's Systematic Anthropological Collections and Biological Research Resources Programs offer grants to preserve collections as scientific resources. In fiscal 1989, these programs awarded grants of just over $5 million.
>
> The President's budget calls for $28.865 million appropriation for the state grants through the Historic Preservation Fund. If approved, this will support a core program of identification, evaluation, protection and assistance to local governments. It does not offer assistance to permit the states to award subgrants to restore and protect threatened National Register Properties.

Agencies such as the Library of Congress, National Archives, National Gallery of Art, National Park Service and Smithsonian Institution, have principal responsibility for caring for our federal patrimony. In addition, these institutions provide leadership and technical assistance to organizations throughout our country. For example, the Park Service publishes the *CRM Bulletin* quarterly to promote and maintain high standards for preserving and managing cultural resources. Timely information is made available to state and local governments, the private sector and other federal agencies. The Park Service plans to publish the *NPS Museum Handbook* later this year. The handbook will contain guidelines for storage, environmental controls, fire protection and other collection care issues.

Save Outdoor Sculpture!, (SOS!), a joint project of the Smithsonian Institution's National Museum of American Art and NIC will inventory and assess the condition of all outdoor sculpture in the United States. The three-year project will dramatize the perilous condition of outdoor sculpture and will provide opportunities for public and private groups and individuals to remedy this situation. A nationwide corps of volunteers will be recruited to fan out within their local communities to conduct the inventory. The goals of SOS! are to:

> Complete an inventory of all outdoor sculpture in the U.S.
> Report on the condition of outdoor sculpture in every community.
> Secure television, press and radio coverage to highlight the importance of preserving outdoor sculpture.
> Implement strategies to encourage the care of outdoor sculpture. Develop programs to inform the general public of the artistic and historical significance of outdoor sculpture.

Senator **Pell**. Thank you.

The record will be kept open as we do not have the time for many questions at this point and I will submit some written questions to you that we would appreciate a reply on.

As I mentioned earlier, I have to be over on the floor at 12. So I would at this point ask Senator Kassebaum and then Senator Simon if they could stay on a couple of minutes.

Senator **Kassebaum**. I would just like to thank the panel. I think you presented very interesting testimony. Hearing what you are doing in your respective fields offers us good illustration of what is being undertaken nationwide. Of course, there are greater or lesser successes with these efforts, but clearly there is a lot of dedication on the part of those who are working in the States to bring the highest degree of success to the field of humanities.

Thank you.

Senator **Simon** [presiding.] If I may, first of all, since I see Lynne Cheney here, we always criticize public officials when we disagree with them. When we know they are doing a good job we rarely commend them and I just want to say I think the general impression here on the Hill was that you have been doing a superb job, you and your staff over there, and we appreciate it.

I was interested in Dr. Gregorian and I see he has left here, but he referred to the kind of thing you are talking about, Dr. Dyson, as part of our national infrastructure.

Ordinarily when we talk about infrastructure here on the Hill we are thinking about sewers and waters and highways and bridges, but in a very real sense it is part of the important infrastructure of this Nation.

May I ask this question, and here Dr. Gregorian I just referred to walking in back here. You are a part of the important infrastructure too, Dr. Gregorian. [Laughter.]

Let me just ask. Everything has been too much sweetness and light. Now that we are reauthorizing, what is wrong? What should we be doing better?

Mr. Oswald.

Mr. **Oswald**. There are two things—We have learned some things we have to do better at the State level in the State programs. We frequently underestimate the caliber of our audiences. We are learning to do that.

I have to say the main thing that I can see the Senate and the House doing better is helping us to have sufficient budget that we can reach all of the people of our State the way we would like to.

I know we are wound up in the idea of excellence and perhaps rewarding the people with the most excellent proposals and so on.

We do this and obviously when there are limited funds we eliminate any programs that come to us down the line, but there are some wonderful programs out there submitted by people from little tiny communities like Milford, Utah, population maybe 200, that are not as advanced. They do not have professional grant writers, but they are programs the community want to hear.

We can do those, but it takes some funding to do it. Too often the humanities have been viewed as the agencies that contribute all of their skills and their abilities to the community and there has been a long past record of giving that time freely. There is nothing wrong with that except that they are professionals also and frequently we are seeing areas such as the sciences and technical areas moving so far away and the type of financial rewards that they are obtaining that people in the humanities are feeling like the forgotten stepchild, so to speak.

So as much as I hate to ask for it, funds are very important.

Senator SIMON. Dr. Dyson.

Dr. DYSON. I would just like to say that the museum community in this country has been progressively learning to be better managers. It is not a point of view that a lot of them started out with that they ought to manage their affairs and really think about it, but one of the things that has been very important in this process has been the small planning grants that the Endowment has been able to give individual institutions to allow them to sit down and look at their problems and come up with some kind of a long range plan and planning is really a key to the success of these investments that are being made and the Endowment has a real role to play to provide time and expertise to do that and they have been doing a good job as far as I know.

Senator SIMON. Mr. Roberts.

Mr. ROBERTS. I think that Congress can look with a great deal of pride at the State humanities programs because we are the programs that bring the issues of the humanities to the people while the National Endowment inevitably through the museums and public programs that it supports reaches the public, we are there in the States. We are there in the little towns, as Delmont had said. We work directly with citizens, the citizens whose taxes we are spending and I think that they see the benefit of the taxes that we are spending because they receive the benefits. They participate in programs. Their minds are the ones that are exercised and they appreciate, the ones that we hear from and I think that you hear from them too.

Senator SIMON. Let me just add one other thing before we adjourn and that is the work the Endowment is doing in the area of foreign languages—I regret I had another committee meeting. We have been marking a bill up in the Judiciary Committee. But the work on foreign language learning really is vital to this Nation, and I really appreciate it. We thank all of you for being here.

[Additional material submitted for the record follows:]

LEARNING TO READ THROUGH THE ARTS, INC.,
August 31, 1989

Honorable CLAIBORNE PELL,
United States Senate,
Washington, DC 20515

DEAR SENATOR PELL, Thank you for your superb job defending and supporting the NEA in its time of need.

As an educator who heads a program that helps inner city children learn to read through the arts I strongly believe that the arts are for everyone, not just the elite. To me that means all the arts . . . both the beautiful and the "ugly" . . . and the controversial. To me that means both art and viewing art, both creating art as well as having access to study and enjoy it. Art is for everyone.

To allow politics to determine what gets funded will cause the arts—the most beautiful, most sublime and even the most ugly—to retreat back into inaccessibllity, back into the homes of the privileged.

The NEA has followed Congressional and Senatorial directives of years back and has taken a leadership role in bringing all the arts to the American public—arts by and for everyone. It has not been elitist. I am proud to know that some of our elected officials, like you, can stand above the crowd and support America's multipliaty in the arts.

Thank you for being a leader in supporting America as a humanistic and civilized society.

Sincerely,

MARY C. FOSTER
Executive Director

DOMINICAN SISTERS, SPARKILL, NY
September 11, 1989

Senator CLAIBORNE PELL,
United States Senate,
Washington, DC 20510

DEAR SENATOR PELL: Thank you for your efforts on behalf of the art community, particularly in relation to the controversy over the NEA.

This organization has such an outstanding track record, I cannot understand why anyone would want to tamper with it.

Please keep on fighting for the peer-review process, and against any punitive action.

Thank you and God speed!

Sincerely,

SISTER ADELE MYERS, O.P.

Office of the Mayor, New York, NY,
March 19, 1990.

Hon. CLAIBORNE PELL,
U.S. Senate,
Chair, Senate Committee on Labor and Human Resources, Subcommittee on Education, the Arts, and the Humanities,
335 Rayburn House Office Building,
Washington, DC 20510–2101

DEAR SENATOR PELL: The strength of our nation resides in its tolerance of voices of dissent. I have always recognized the right of artists to comment on our society, our institutions, our political life and our social organizations. As Mayor of the City of New York, the cultural capital of the world, I express unequivocal support for artists and art groups throughout the country and their right to unencumbered federal support for their activities.

Recently, I had the honor of welcoming Vaclav Havel, the President of Czechoslovakia, to New York. As you know, Mr. Havel is a playwright whose work was suppressed in his own country. He has become the moral conscience of his people. I was struck by the irony of greeting this brave man, a courageous symbol of freedom, at a time when some Americans are seeking to impose increased government regulation on artistic expression.

Last summer I actively opposed the Helms amendment and the suspension of the National Endowment for the Arts grant to Artists' Space. Threats of punitive action, funding cuts and sensationalized media coverage pose a serious threat to the vitality of the cultural community in America and to democracy itself.

I believe the National Endowment for the Arts must be reauthorized. Public support of the arts has allowed us to strengthen public education; traditional cultural values have been preserved and new voices and visions incorporated.

In this remarkable year when the repressive regimes of Eastern Europe have crumbled in rapid sucession, we must continue to be vigilant in preserving our own democratic and cultural traditions.

Sincerely,

DAVID N. DINKINS, *Mayor*

ASSOCIATION OF INDEPENDENT VIDEO AND FILMMAKERS, INC.,
New York, NY 10012, March 29, 1990.

Senator CLAIBORN PELL, CHAIR,
Senate Education Sub-committee,
428 Dirksen, Washington, DC 20510

DEAR SENATOR PELL: We request that this letter be entered into the Congressional Record.

On behalf of the nearly 5,000 members of the nationwide Association of Independent Video and Filmmakers, I ask that your Sub-committee and, all other members of Congress accept the position of President Bush and vote for reauthorization of the National Endowment for the Arts without restriction.

President John F. Kennedy said, "I am certain that after the dust of centuries has passed over our cities, we too will be remembered not for victories or defeats in battle or in politics, but for our contributions to the human spirit."

Our NEA has been an American cultural treasure, a vital source that contributes to the human spirit. Though public support for arts activities in the United States is far smaller than in other western nations, our NEA has in 25 years developed a way of suppOrting the arts which is equitable, efficient and uniquely American. The policy that NEA funding must be matched by nonfederal dollars has fostered an Outpouring of private support for cultural activity in all segments of society.

The activities made possibly by NEA range from performances by the Guthrie Theater to concerts of the Harlem Boys Choir, from exhibitions at the Bostom Museum of Fine Art to honoring the nation's finest folk artists, from providing core support for the nation's major cultural institutions to offering local and regional help to community arts groups in every state.

For media arts the NEA has provided a full range of important programs. The Media Arts Division supports public TV and radio, and a range of cultural broadcasts including "American Playhouse," "Dance in America" and "A Prairie Home Companion." The media program has also encouraged the growth of media centers ardund the country, to provide access to film and video productions and editing equipment, to offer training, and to exhibit work of the highest quality. It also offers direct funds to aspiring producers throughout the country.

What is notable about NEA's accomplishments is the consistently high standards of quality in artistic work supported over so many years and in such a variety of disciplines. The peer panel review process, at the center of grant making, may not be fail-proof, but it is a proven system that has well served the cultural needs of the nation.

Our organization considers vital the reauthorization of the National Endowment for the Arts.

Equally vital to our members is that no encumbering or chilling restrictions are applied to the Endowment's authorization to characterize the content of art or restrict access to cultural facilities.

Last week, the press reported that Congressman Pat Williams "welcomed" the announcement of the White House's position on this matter Mr. Williams is reported to have said, "One of the questions posed to this panel . . . is whether the current language in the apropriation bill is intimidating to freedom of expression. The Administration gave their answer today and the answer is "yes." "They want it eliminated."

So do we.

Yours sincerely,

ROBERT RICHTER,
President,

NEW YORK, NY 10025,
March 15, 1990

DEAR SENATOR PELL, Last fall, I served on the poetry panel for the National Endowment for the Arts. Since you are holding hearings about the NEA's reauthorization, and about the issue of funding for "obscenity," I thought you might be interested in my experience.

As you probably know, NEA grants are decided by panels composed entirely of people working, with some degree of accomplishment, in the relevant field. Although our panel was varied in its makeup many different ethnic and geographical and racial communities were prepresented, with roughly equal numbers of men and women and as many aesthetic persuasions as there were panel members—we were all asked to serve because of our writing and expertise. Before we met, we spent what turned out to be a truly staggering amount of time reading and evaluating all the submissions (approximately 520 10-page manuscripts per person). It was a lot of work, and we took it very seriously, trying hard to give each ms. a fair and careful consideration. In Washington, we sat around a table for three long days, voting and revoting, discussing, debating, and listening to each other. When the dust cleared, what did we have? A list of 50 grantees, every one of which a majority of panelists felt had significant artistic merit.

I simply don't understand how work that passed this arduous procedure can be accused of obscenity. I'm not exactly sure what obscenity is these days, but I know that artistic merit is a complete defense against the charge. Since we are supposed to be good judges of poetry (that's why the NEA picked us), and since we awarded grants on that basis, and only on that basis, how can those works be obscene in any legal sense?

The question of obscenity is a red herring. What the Jesse Helms crowd objects to is not obscenity, but any discussion of sexuality at all (and possibly, the very notion of government arts funding). There can be no program of funding literature that does not risk offending someone, though, unless it supports only the most insipid and bland writers (which would offend those who actually read contemporary literature). In a democracy, citizens have to put up with "offensive" books and ideas all the time. It is not the business of government to protect the minds of its constituents from dangerous or unpleasant ideas. It's true that the NEA is funded by the taxpayers, but it is inevitable in a democracy that every taxpayer disagrees with some of the ways taxes are spent. That is just a fact of life, and something the Helmsites need to learn to live with, the way the rest of us do. The fact is, there is no consensus about what kinds of sexual references and depictions are offensive. We can't even agree whether the Sports Illustrated swimsuit issue is harmless fun or degrading to women. How can we hope to agree about writing as complex and subtle as poetry or fiction? Especially since the people who complain about "obscenity" have rarely even read the work in question, but are merely responding to quotes taken out of context?

The current situation, in which potential grantees are warned about obscenity, and winners must promise not to produce any, may not fit the narrow definition of censorship, but it comes pretty close. It will frighten people away from applying, and intimidate those who win. It sends a message of distrust and fear—not to mention confusion. Who is going to decide if funded work is obscene? Jesse Helms? the Supreme Court? the tabloid press? If the views of the panels are to count for so little, what is the point of having them at all? If we can be wrong about "obscenity," why value our other judgments? If the restrictive language stays, and panelists must constantly be looking over their shoulder to avoid offending people who are horrified by, say, the mere mention of homosexuality, or by the mere fact that a writer is gay, I think you will find it hard to find writers willing to take on NEA service. I know I would not wish to be part of such a process.

I cannot express strongly enough my belief that the NEA has done wonderful things for all the arts in America. And before you dismiss my views as those of an "elitist" (New York City, ultraliberal, etc.) consider this: The NEA has done most for the arts in places, and among populations, here the arts have been traditionally underserved. I am a past winner of poetry grant (after six or seven rejections), and I was thrilled and proud. But I've won other grants, am well-published and well-situated in every way to win a hearing for my work. The people who really benefit from the NEA are the non-"elitist" writers who live and work and publish outside the mainstream: The neighbors, ironically, of the Concerned Women of America types who generate so many irate letters to Congress. Who else, if not the NEA, is going to give a chance to the struggling poets of Minnesota and North Carolina and Alaska (yes, there was an Alaskan on our list of winners)? Not the Guggenheim Foundation: They give their money to poets like me.

I hope you will stand up to Jesse Helms and his letter-writers. The American commitment to free expression and openness of thought is the envy of the world—just look at what's happened this year in Eastern Europe. How sad, and how ironic, it would be if in the very hour of its global triumph, that commitment were to be disregarded here at home.

I urge you to reauthorize the NEA, and remove the restrictive language.

Sincerely yours,

KATHA POLLITT

BEVERLY HILLS, CA
March 6, 1990.

The Honorable CLAIBORNE PELL,
United States Senate,
Washington, DC 20510

DEAR SENATOR PELL: As a filmmaker and as a citizen I am very concerned about any infringement on every American's right to free expression. I know that as a result of a very few controversial NEA grants, the NEA Reauthorization Committee is now considering restricting some NEA grants, and I thought you might consider this: I, too, was offended by some of the works in question, finding them in very poor taste. But I would far rather live in a society that allows for the occasional lapse of taste than in one that chills freedoms with political litmus tests of what is acceptable and what is not.

History tells us that freedoms do not erode from the center outward. They are whittled away first at the edges, by attacks on the unpopular. At a time when the Eastern world is finally coming around to liberalization and free expression, it would be tragic for the United States to turn its back on our proud traditions.

Please support the NEA's reauthorization without any new restrictions. In so doing, you will be sending out a strong message to the world that our system is not afraid of freedom; that we are mature enough and strong enough to live with its excesses as well as its treasures. The NEA has funded many of these treasures, enriching our culture in many ways and strongly deserves our support, now more than ever.

Best regards,

PHIL ALDEN ROBINSON
Writer-Director, "Field of Dreams"

PORTLAND, OR,
April 4, 1990.

The Honorable CLAIBORNE PELL,
Chairman, Senate Subcommittee on Education, Arts, Humanities Committee on Labor and Human Resources,
648 Dirksen Senate Office Building,
Washington, DC 20510

Re: National Endowment for the Arts

DEAR SENATOR PELL: I am writing to urge you to support reauthorization of the National Endowment for the Arts as proposed by President Bush.

I have served on the boards of directors of several arts organizations over the years, and have seen first-hand the positive effect that it has had on millions of Americans. Although NEA's expenditures of about $171 million per year are extremely low in comparison with government support of the arts in other developed countries, NEA's grants are leveraged through matches with private and foundation giving and earned income into more than $1 billion in support for the arts nationwide. Elimination of NEA would result in very significant reductions in museum exhibitions, conservation of collections, educational programs, symphony, opera and theatre performances, and other artistic endeavors that enrich us all.

Recent attacks on the NEA seem disingenuous. Out of some 85,000 grants funded by NEA, only about 20 have been controversial at all, and perhaps 5 of them have been controversial at a national level. I find that record to be amazing, and hardly suggestive of an organization that is out of touch with public taste and morality.

It is almost impossible in the world of art to be totally non-controversial. Some of the greatest acknowledged masterpieces of art and music were controversial when first presented. Surely the diminishment or loss of opportunities to experience and enjoy outstanding art, the reduction of educational opportunities for our children, and the elimination of support for artists which would result from the elimination of NEA are far too high a price to pay to ensure that no federally funded art will be controversial.

Very truly yours,

TERRENCE R. PANCOAST

LOS ANGELES, CA,
February 28, 1990

The Honorable CLAIBORNE PELL,
United States Senate
Washington, DC 20510

DEAR MR. FROHMAYER: Government funding and support for the arts should be greatly increased and should not be subject to such specious judgments as obscenity, which typically are based upon the expediencies of politics rather than upon artistic merit.

The proper judges of the artistic merit of an individual work of art are time and the market-place. No work of art will ever be enjoyed or comprehended by all members of society at any time; therefore, no segment of society should take it upon themselves to dictate to the artistic community and thus art history what is of value and what is not.

Sincerely,

JEWELENE M. SIMPSON, DDS

SAN FRANCISCO, CA,
April 4, 1990.

The Honorable CLAIBORNE PELL,
U.S. Senate, Washington, DC 20510.

DEAR SENATOR PELL: I am a writer and reader and a teacher of reading and writing, a frequent contributor to literary magazines and journals, many of which are supported in part by National Endowment for the Arts grants; I have also published books whose copyright pages bear the traditional acknowledgment to the NEA for its timely aid in the completion of the project.

I have worked as a teacher of writing in community settings (in hospitals and juvenile halls) under the auspices of the NEA.

I have visited museums and galleries regularly since childhood; I have attended concerts, performances of plays and dances, and other performance events. Since the founding of the NEA, its grants have contributed to many of these cultural productions.

I have not listed all the ways in which the NEA has contributed to my life and my work, nor could I in this brief letter. I mean this as a bare indication of its importance to me.

It has also been important in all this time that no one at the NEA, nor any of its representatives, has ever threatened to censor anything I have written. This may rather seem a right I have taken for granted as an American citizen, not only to write and publish freely under the First Amendment, but also to enjoy free access to the contributions of other writers and artists.

Now the NEA is faced with the possibility that it will be forced to police the content of works of art if Senator Helms's amendment to the NEA guidelines is to be approved again by Congress. In my opinion the Helms amendment is unconstitutional, but if it is upheld by Congress and the courts, it will contribute to the production of a bland mono-culture, vitiatingthe critical diversity of art and literature characteristic of a truly open society.

The First Amendment would be unnecessary if we lived in a state of perfect agreement with one another, if we all had the same opinions about politics or art. Because we don't, we have drawn up a contract to protect differences. That is what the First Amendment does. If it is to be abridged because at some time some works of art are offensive to someone, then its point has been evaded.

I urge you to defeat the Helms amendment and to unfetter the NEA so that it may go about its normal business, the promotion of serious and diverse works of art which are reflective of the multi-cultures of the United States.

Sincerely,

BEVERLY DAHLEN

Santa Monica, CA,
April 3, 1990.

The Honorable Claiborne Pell, *Senator*
Senate Hart Office Building, Washington DC.

Dear Senator Pell: I could not resist a trip to view Robert Mapplethorp's "The Perfect Moment" exhibit of photographs. Following the current controversy over the NEA's use of federal tax dollars to support that which has been labeled by some as "obscene"; I felt compelled to judge for myself if Mr. Mapplethorp (who died last year and can only defend himself through his photography) was a "pornographer" or an "artist".

Displayed, were photographs of flowers; classically posed male and/or female nudes; and portraits of friends as well as known personalities in business, art, and the entertainment industry. The controversy is over a display of 8x10 photographs which collectively appear in approximately a 6' x 12' space on one wall of the multi-roomed exhibit.

Not one article or person critical of Mapplethorp's work has mentioned the fact that the erotic sexual photographs in this 6' x 12' space are, by the artist's choice, compositionally displayed in juxtaposition with photographs of flowers. What is conveyed is: Beauty and danger; purity and eroticism; and ultimately; truth and deception. Whether the viewer agrees or disagrees with this expressed point of view, these qualities exist in nature and were undeniably produced by an artist exercising his democratic right of self-expression.

Mapplethorp is gone (to the delight of his critics). Long after we and the controversy surrounding his work are likewise dead, his photography (as all art publicly and/or privately funded) will survive as an individual's viewpoint and documentation of an era.

Charles Berliner

March 21, 1990

The Honorable Senator Claiborne Pell,
United States Senate,
Washington, DC 20510.

Dear Senator Pell: We are writing to encourage you to vote to reauthorize the NEA for FY90, eliminating the proposed restrictive language in the FY90 appropriations bill, and re-affirming the original language and spirit of NEA legislation which states that the NEA ". . . must not under any circumstances impose a single aesthetic standard or attempt to direct artistic content."

The Robert Mapplethorpe and Andres Serrano controversies have caused reactionary steps to be taken by Congress which are antithetical to the very philosophy upon which Congress itself agreed when the NEA was established, offering a vision of the future for art—for life—in the United States that is chilling.

The debate before Congress of the morality of spending public monies, mediocrity and quality, free speech and censorship, are not abstract; they go to the heart of our culture. In trying to reduce the range of art that the NEA can fund, Congress is denying the diversity that makes the United States unique, a system devoted to freedom of expression that has inspired the many recent democracy movements throughout the world.

Art serves an important purpose for each and every member of society; it reminds us of our collective and individual past, helps to define the present, and forces us to consider the future. Serious art explores new frontiers, celebrates individuality, and mirrors the diverse ideas and values that our culture's self-expression. Limiting funding and our characterize our American society. Art is a vital forum for access to diverse art is in fact limiting what we think and who we are.

We believe that more—not less—government funding is necessary to create an educated, culturally-aware and tolerant citizenry. As it is only $.64 per taxpayer is being used to support the arts annually; a year's worth of government funding spent on the arts is the equivalent of four hours of the defense department's annual budget.

As staff members of the Arlington Arts Center (AAC), a 501(c)3 private non-profit contemporary visual arts organization dedicated to the support of serious, emerging artists who live or work in Virginia, Maryland, or the District of Columbia, we represent over 1,300 members (artists and arts-supporters) who are especially concerned for our organization's future.

AAC has been supported in the past by indirect NEA monies through both the Virginia Commission for the Arts and the Mid-Atlantic Arts Foundation. We are encouraged to think that we might be awarded our first NEA general operating grant in 1990. However, if our acceptance of both direct and indirect NEA monies means that we must comply with the "Helms" restrictions currently imposed by the NEA on grant recipients, restrictions which imply self-censorship, we will not be able to accept this support.

This would in turn constitute a tremendous blow to AAC's financial base. While only 13 percent of our income comes from indirect NEA sources, their implicit "stamp of approval" has been used by AAC to leverage additional matching funds (51 percent of AAC's income) from private foundations, corporations and individuals—donors who without this "stamp" might be unwilling to take risks on unproven arts organizations and artists. This combination of public and private funding has allowed AAC to become "the area's most accessible and effective launching pad for new talent," according to *The Washington Post*, providing vital educational resources to the entire D.C. metropolitan community.

Congress's action in response to this controversy so far has been to punish. We encourage you to take a strong stand in support of art and freedom. Congressionally-imposed regulations regarding content constitute a new form of McCarthyism, thereby opening the door for greater restrictions on art, ideas and political dissent.

Please take this opportunity to fully reaffirm Congressional support for the NEA, keeping the original authorizing language intact.

Sincerely,

KATHERINE T. FRESHLEY,
Executive Director,

BARBARA D. FRANZ,
Administration Director,

ANGELA A. ADAMS
Exhibitions Director/Curator

HOLLYWOOD CA,
April 5, 1990.

The Honorable CALIBORNE PELL,
U.S. Senate,
Washington, DC 20510.

DEAR SENATOR PELL: I'm an author, a member of the Writer's Guild West, a member of the Author's Guild in NYC, and PEN, and I've served on juries of the NEA and NEH.

I want to add my voice to what I hear is a pitiful few, compared to the Far Right avalanche, in favor of continued [and increased] funding of the NEA. There's always confusion about the spending of government monies for art that some people feel is controversial or downright dirty. I would urge you to share with your colleagues two arguments:

(a) "The Government shouldn't fund the Arts."

Since its inception, the government has been in the business of subsidizing areas of life in America, and citizens do not always agree with those subsidies We subsidize the tobacco industry, the poor, universities, the airlines, the farmers, and health. We subsidize so many areas I fail to see why we should omit art and culture—even though at times a few tangents of art are controversial. There are those (and I am one of them) who think the subsidy of NIH's continuing "medical" experimentation on animals is outrageous, controversial, and an outdated use of government money. There are others who think those medical grants are a good idea. Well, that's life in America!

(b) "If Government funds Arts we ought to place restrictions on Arts content."

This is the "Don't fund bad art/Art in our time" argument. It's a terrible form of censorship, it's antithetical to America's principles, and it won't work: it's been shown over and over that at the time a work of art is created that the general public and often "tastemakers" of the period fail utterly to see a value that people in later generation see as "literature" or "great art." Editors turned down Flaubert and Kipling out of hand—they had "no future" as writers. Impressionist art of the 19th century—especially Van gogh and Paul Gauguin—were hooted down by the critics, the public, and other artists then in favor. Art changes, society changes. We don't know what will speak to later generations or have lasting value.

Don't put any restrictions on the content of art funded by the NEA. The NEA has had a distinguished record. I know this has been said repeatedly but I want to speak from my personal experience. Many people in this country couldn't create paintings or films without the assistance of the NEA—even though its grants are pitifully small. There are so few places to go in America for grant funds for the arts. Private corportions are not the answer: they truly have other agendas that only sometimes admit the arts, and I don't think corporations should be the major granting agency for the cultural health of this great nation.

Indeed, a great nation supports its artists. Can we do any less? Are we less?

Sincerely,

MOLLIE GREGORY

COALITION FOR FREEDOM OF EXPRESSION,
Los Angeles, CA, March 24, 1990.

The Honorable CLAIBORNE PELL,
United States Senate,
Washington, DC 20510.

DEAR SENATOR PELL, Enclosed you will find hundreds of letters in support of continuing federal funding for the arts without content restrictions. These letters were generated through the activity organized by the Coalition for Freedom of Expression and described in the attached clipping from the Los Angeles Times.

The Coalition for Freedom of Expression is a Los Angeles-based organization of concerned individuals, artists and arts organizations and institutions. We maintain that the creation and exhibition of art in all media must be protected as fundamental human rights essential to a free and equitable society.

As demonstrated by these letters, our contact with the American public reveals a deep commitment to the freedoms of thought, speech and expression guaranteed by the Constitution of the United States.

Thank you for your kind attention.

Sincerely yours,

EDWARD LANDLER, *Co-chair*

Senator SIMON. Our hearing stands adjourned.

[Whereupon, at 12:00 p.m., the subcommittee was adjourned.]

REAUTHORIZATION OF THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT NATIONAL ENDOWMENT FOR THE ARTS

FRIDAY, APRIL 27, 1990

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES,
OF THE COMMITTEE LABOR AND HUMAN RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:46 a.m., in room SD-430, Dirksen Senate Office Building, Senator Pell (chairman of the subcommittee) presiding.

Present: Senators Pell, Kennedy, Simon, Hatch, Kassebaum, Thurmond, and Cochran.

OPENING STATEMENT OF SENATOR PELL

Senator PELL. The Subcommittee on Education, Arts and Humanities will come to order.

Today, we continue our series of hearings in the subcommittee on the reauthorization of the National Foundation on the Arts and Humanities Act of 1965. Our discussion will again focus on the National Endowment for the Arts and the role it continues to play in the cultural life of our Nation.

The controversy surrounding NEA grant procedures has continued unabated now for a year. NEA opponents continue to raise the same issues. Their point is certainly being heard that a fraction of a percent of all NEA grants made over the last 25 years have offended some people. I can even include myself in this last group, too. But this does not surprise me, because the arts cannot always offer comfort and beauty. Often when the arts depict truth in the world around us, they can be harsh and confrontational.

Obscene art, in my view, should not be funded. Difficult art, if it is good art, should be funded. My own view is that we can avoid such controversies in the future, if we can ensure the endowment procedures are as open, as fair, and as accountable as possible. This is the direction the reauthorization should take and I want to assure my colleagues that we will do all we can to strengthen each of these points.

We have many witnesses to hear from and I thank you for appearing today. Your testimony is highly valued, as we examine the future course of our Federal cultural programs. In this regard, I think back 25 years to when we started out and I believe the original legislation, the original ideas, and the original philosophy still apply today. We should basically continue the program as it has been.

We are reversing the order of witnesses, so that Senator Kennedy can be here for the full length of the testimony of Maestro Rostropovich, so I am taking the liberty of asking Mr. Buchanan if he would lead off. My former colleague and friend, we miss you in the Congress.

Mr. Buchanan.

Senator HATCH. May I make a statement.

Senator PELL. I defer to the ranking minority member of the full committee, I am very glad he is here.

OPENING STATEMENT OF SENATOR HATCH

Senator HATCH. Thank you, Mr. Chairman.

I am happy that you are holding these hearings and I think your prior hearing was a good one and this one will prove to be a very good one today.

The task we face in reauthorizing the National Endowment for the Arts is a very difficult one. On the one hand, the endowment has been successful in increasing the outreach of opera companies, ballet companies, art museums, local symphony orchestras, and local arts festivals to people throughout the country.

These significant and important accomplishments have strengthened our Nation and enriched its people. But, on the other hand, the people of this country are justifiably outraged by NEA's funding of a small number of highly objectionable art works, and I have to say it is a small number.

Mr. Chairman, I am guided on this issue by two principles: First, that we have a responsibility to the taxpayers that we represent to make sure that Federal funds are spent in a manner that is consonant with American values; and, second, that Congress cannot effectively micro manage matters that are inherently subjective. I think that is an important point.

I strongly believe that Congress has a responsibility to the taxpayers of this country to ensure that the National Endowment for the Arts is a good steward of Federal funds. In fact, the NEA Organic Act already requires grantees to meet a certain number of requirements. Why is it acceptable to require a grantee to provide assurances to the Secretary of Labor about how they pay workers under the NEA grant, but not acceptable to require the grantee to provide similar assurances to the chairman of the National Endowment for the Arts, that the product will not be obscene or racist?

Artists are as accountable for the use of their grants as are scientists, educators, hospitals, defense contractors and other recipients of Federal benefits. Taxpayers were justifiably offended when the Pentagon spent $600 for a hammer, so why shouldn't they be angry when the NEA spends $15,000 on an art project that offends basic cultural, religious and family values?

NEA has as obligation to prevent direct or indirect subsidies to such obviously outrageous activities as the Annie Sprinkle exhibition, a performance, I might add, that is not only abhorrent to our basic view of morality in this country, but an affront to American women as well.

I can understand, however, the concern of artists for freedom of expression and I can certainly understand the difficulty of writing a statutory standard which defines obscenity. The U.S. Supreme Court has not been able to do it and I do not know why we in Congress are going to be able to do it better.

Any standard must be crafted in such a way that, in denying funds to the offensive Piss Christ work of Andre Seranno, it does not discourage the latter-day equivalent of Michelangelo's Sistine Chapel.

Congress has never been successful in setting bright-line standards when the matter at hand is so subjective in nature. In many Federal activities, we have invested peer review panels with the responsibility for making good judgments. I do not believe we should discard this essentially good method for making grants under the NEA.

The endowment should continue to have responsibility for the distribution of its funds. Moreover, I do not believe that this view is inconsistent with the demand for greater accountability from the NEA. Congress has the right and the duty to require the National Endowment for the Arts to set appropriate guidelines for projects funded with taxpayer money. Artists must understand that any restrictions placed on the funds of the National Endowment for the Arts do not restrict artistic expression funded from other sources.

The issue before us is not a freedom of speech issue, it is a question of how Federal funds can and should be spent. Artists, like all government grantees, must realize that there is no entitlement to these Federal funds. It is hardly censorship for Congress to require guidelines for such grants. Additionally, NEA ought to have specific authority to recover grant money that is not spent in accordance with these guidelines and to sanction grantees who flaunt the rules, and I intend to see that this authority is in there.

I also intend to see, with every power at my disposal, that we do not start writing restrictions into this bill that are based on a purely subjective standard of obscenity—not even the Supreme Court could agree on such a standard. To do so could restrict the free flow of expression, artistic expression, if you will, in this country. Now, I agree and I think most people in the arts would agree, that if there is a flaunting of the rules governing the use of federal funds, there ought to be some sanctions applied and we ought not to fund these types of programs again.

I agree with the original purpose of the foundation, as outlined in the legislation, "The purpose of the foundation shall be to develop and promote a broadly conceived national policy of support for the humanities and the arts in the United States and for institutions which preserve the cultural heritage of the United States."

In the past 25 years, the endowment has made 85,000 grants that have helped communities all over America provide cultural activities for our people. 25 years ago, only 5 States had arts councils. Today, every State has an arts council. There are 8 times as many professional dance companies today as there were in 1965, 3 times as many professional orchestras, nearly 5 times as many opera companies, and nearly 8 times as many professional nonprofit forums.

This expansion of cultural activities means that many more citizens have been able to attend performances and exhibits and benefit from the arts. Congress must continue to encourage broad support of the arts, by ensuring that the endowment assists projects that support the diversity, talent, beauty, and cultural heritage of the arts in this country. But I believe we can do this without compromising the bounds of good taste.

I look forward to working with my colleagues on this committee on a solution to this matter and I want to make it clear once more: I am not for amending this bill in such a way that we restrict the free flow of expression, of ideas, and special works that really deserve to be supported by the National Endowment for the Arts. I do not believe that the Congress is in a better position to write what the principles of obscenity should be than the U.S. Supreme Court, which has had a certain amount of difficulty with that concept through the years.

I hope we are successful in de-politicizing this problem. I have been assured by Mr. Frohnmayer that they are going to take very adequate steps and will continue to do so. There are going to continue to be blips in the otherwise beautiful horizons that are created by the National Endowment for the Arts. But, I think, of 85,000 grants, there have been as few as 25 that have been questionable. They have a pretty good record and I think that needs to be said along with the condemnations of the occasional blips that really cause me a lot of concern.

The American people themselves will reject inappropriate expressions of the arts and I think we can rely an awful lot on the American people and maybe rely just a little bit less on formal stringent laws.

Mr. Chairman, I thank you. I am sorry I took so long, but I think it was important for me to make it clear.

Senator PELL. Thank you very much. We are very grateful to you for your statement.

I would now recognize the chairman of the full committee and thank him very much for being with us.

OPENING STATEMENT OF SENATOR KENNEDY

Senator KENNEDY. Thank you very much, Mr. Chairman, for convening this morning's hearing on the National Endowment for the Arts. I think all of us on this committee recognize your extraordinary leadership in the development of the initial legislation and subsequent strong support that you have given to the arts as part of your impressive service on this committee. We welcome your continued oversight into that agency and continued support for the arts.

When President Abraham Lincoln was introduced to Harriet Beecher Stowe, he is reported to have said, "So you're the little woman who caused this big war." I feel somewhat the same way about the Endowment—the little agency that caused this big controversy.

Fortunately, the Endowment has kept its head while many in Congress and the country were losing theirs. It has taught us all something worthwhile about the fundamental values of our country, the importance of the Constitution and the First Amendment, and the need for constant vigilance against censorship and repression.

For a quarter century, ever since its creation in 1965, the Arts Endowment has enjoyed broad bipartisan approval in Congress. Our support has been overwhelmingly reaffirmed every 5 years since then—and now is surely not the time to walk away from our essential public commitment to the arts and free expression.

Around the world, new freedoms are being won by peoples who have endured censorship and repression all their lives. In Eastern Europe and in the Soviet Union, demands for liberty are being heard and heeded. At a time when Berlin Walls are coming down in many other lands, it would be shameful for the United States to fail the test of liberty by licensing new barriers against free expressions here at home.

The United States has become the adopted home of countless artists fleeing from tyranny in their own lands, and we'll hear from one this morning, Mstislav Rostropovich. They include Solzhenitsyn, Nureyev, Baryshnikov, Makarova and are among the most celebrated and proudest additions to our immigrant artist heritage. They know first hand the savagery of censorship, and we must not break the promise that brought them to our shores.

Nor can we permit the current controversy to eclipse the extraordinary achievements of the Arts Endowment and the unprecedented contributions it has made to the cultural life of our country. It has brought the wonders of art and dance and music and theater to new levels of excellence in America, and to broader audiences as well.

A century ago, the painter Claude Monet would probably have been banned in Boston. Today, his Impressionist paintings are the toast of the city. His exhibits will be up in Boston 7 weeks. It is $9 a ticket to get into the museum, and admission to this exhibit sold out in the first day. Similar grants from the Endowment have enabled the best in ballet and symphony to take their talents into communities across America.

The arts are a measure of our society. They chronicle our history, record our successes, warn of our weaknesses, expand our understanding, and challenge us to see what is best in ourselves and in our national character.

But sometimes art shocks our sensibilities. It is supposed to. But that is no justification for the unwarranted intrusion of the extremists and the know-nothings. If the truth be known, they are against any Federal support for the arts. I reject their premise that Americans do not want their tax dollars spent for the arts.

In my view, the real outrage is that the level of support is so small, when the potential is so great. We are spending the grand sum of $175 million on Endowment programs this year—65 cents a person for every man, woman, and child in America. One B-2 bomber could fund the Endowment for the next 3 years. Under the new calculations this morning, it could probably be 8 years, or 9 years.

Finally, let me just say that I favor expanding this legislation to include the broader approaches to arts education. We need to provide greater access to the arts in elementary and secondary schools—and the Endowment can help local jurisdictions to develop model curricula. Cultural institutions are seeking to establish outreach and education priorities, and the Endowment can provide incentives and know-how. Art professionals deserve access to career training, and the Endowment can provide leadership here.

Investment in such education will encourage individual creativity, initiative, and respect for the arts. These are the artistic frontiers that summon us now, and we must be equal to the task.

I commend John Frohnmayer for his skill in guiding the Endowment through its present controversy. This is a time of challenge, but also of opportunity for one of the most important and effective Federal programs we have.

Thank you, Mr. Chairman.

Senator **PELL**. Thank you very much indeed, Mr. Chairman, and again, thank you for all the support you, as chairman of the full committee, have given for everything we have worked on in this field.

I would now turn to the ranking minority member.

Senator **KASSEBAUM**. Thank you, Mr. Chairman.

I gave, in general, my views at our opening hearings. We have many witnesses and I am anxious to hear their views. I have no comment.

Senator **PELL**. I thank the Senator from Kansas very much indeed.

The Senator from Illinois.

Senator **SIMON**. Just very briefly, I saw an article the other day referring to the melting pot strength of America as though it were some kind of a breeding process. It is not that the Suedes came here, African-Americans and Italian-Americans and some kind of a great breeding process took place. It is that we all brought our ideas, and whatever restricts the free flow of ideas ultimately restricts the strength of this country.

Freedom is much easier to lose than to retain. We know that from history. And we ought to be guardians of liberty. Oh, there are going to be things the National Endowment of Arts does that are not in good taste. There are occasionally things that Congress does that are not. [Laughter.]

But we don't say that because Congress has done something that is not in good taste, let us get rid of Congress. I think we are better off having Congress free to do some things that are not in good taste, and I think we are better off having the arts community free to do some things occasionally that are not in good taste.

Thank you.

Senator **PELL**. Thank you, Senator, very much.

Now we recognize Maestro Rostropovich, who is here very much at the invitation of the committee and particularly of the chairman of the full committee, Senator Kennedy.

STATEMENT OF MSTISLAV ROSTROPOVICH, ARTISTIC DIRECTOR, NATIONAL SYMPHONY ORCHESTRA, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS, WASHINGTON, DC

Mr. **ROSTROPOVICH**. Senators, lady, and gentlemen: Censorship was always a part, and I would say a major part, of the Soviet system. Coincidentally, there is now a successful battle in the Soviet Union against censorship. People have finally understood that censorship leads to the death of intellectual progress.

I have been a victim of censorship, both as a musician and as a person. Only because of censorship, the world premier of Prokofiev's Simfonia Concertante did not take place in Moscow or another Russian city, but in Copenhagen, where I performed it in 1954. Censorship prevented the performance of many brilliant Russian composers for many years—Rachmaninov, Stravinsky, Prokofiev, Shostakovich, and many others. The people, for a span of 50 years, did not know their own great writers and poets, such as Akhmatova, Pasternak—we can remember the story of Doctor Zhivago, which was first published in the Soviet Union only a couple of years ago—Bulgakov, Mandelshtam, and many others.

The experience with censorship in the Soviet Union shows us the destructive, sometimes even catastrophic, results censorship can have. Now they are trying to dig up the canvases of Kandinsky, Chagal, Tatlin, all forbidden in the Soviet Union for many decades.

Shostakovich's famous symphony, Babiy Yar, having gained its reputation not only as a priceless memorial of art but as a humanitarian international masterpiece, was smuggled out of the USSR by me, to be passed on to Eugene Ormandy and the Philadelphia Orchestra for its first performance. If I had been caught by Soviet customs, I would have been subject to criminal prosecution, or at the very least, subject to severe sanctions.

It was that life under censorship that led me to the United States.

Censorship in the United States, if God forbid it should come about, will determine the level of art by that which is accessible to the censors. And I, having been acquainted with several Soviet censors, have never found among them not only any genius, but even a modicum of talent. [Laughter.]

As soon as a censor discovered a talent for anything, he changed his profession.

As a result of censorship in the USSR, not only works already in existence disappeared, but many compositions were never born. The pens of geniuses sometimes created works much below their own standards just to have them sneak through the censors. In this way, the entire world was deprived of priceless potential creation of artists from the USSR.

Art and literature should be judged by the conscience of the creator, his peers in his field, and all of the people, not by a separate bureaucracy, artificially compressing the arteries and veins of this life-sustaining circulation. Art is the soul of its people. "Not by bread alone does man survive." Especially the United States, with its great number of diverse ethnic and religious groups, must preserve in an untouchable State the right of each person to express himself.

This is one of the greatest potentials of progress. In that lies the strength of a great country, the United States of America.

Thank you.

Senator Pell. I thank you very much indeed, Maestro Rostropovich. Just one question, and that is, as a leading international figure in the arts you have been able to see what other nations do.

Can you compare the state of the arts in countries with publicly-subsidized endowments and in those without? In other words, in a country that subsidizes the Arts—Great Britain has its Arts Council—do you think that it has had a good effect or a bad effect, as far as helping the Arts to flouish?

Mr. ROSTROPOVICH. You know, that is all money for what the government, not only in Great Britain, that is all symphony orchestras in virtually all of the western world except United States and maybe another one or two other countries, have substantial help from the government, and that is never reflected for repertoire, never reflected for—that is completely no connection with censorship. That is only if money and after this is the money used, creative people, people who take it for that.

Senator PELL. Thank you very much.

I will turn to the ranking minority member.

Senator KASSEBAUM. I would just like to thank you, Mr. Rostropovich, for very eloquent testimony. I think all of us in this country have gained from your contribution to the arts, and I do not know of anyone who could speak to this whole issue with greater understanding than you. Thank you for coming this morning.

Mr. ROSTROPOVICH. Thank you, Senator Kassebaum. I would like to say only how I love your country, how we all together must preserve this great country of America, a bastion of freedom, we must preserve the possibility for each person to have self-expressions of what they like and, thus, I pray to God that censorship is coming down, does not exist.

Senator PELL. I will now turn to the Senator from Massachusetts, Senator Kennedy, whose wonderful idea it was that you should be the lead-off witness here today.

Senator Kennedy.

Senator KENNEDY. We are very fortunate, as Senator Kassebaum and Senator Pell and others have said. The name Rostropovich is synonymous with genius in the area of music. He has inspired music lovers and is appreciated all over the world. He is legendary and, here today, he is performing a service and giving us an insight about what is really best in our own country. Too often we take so many things for granted and I think you remind us about the importance of liberty in the arts and, for that, we are very grateful.

Let me just ask you, Mr. Rostropovich, did you feel any real difference when you played in the United States or in the West and when you played in the Soviet Union a number of years ago? I know you have returned to the Soviet Union recently. But is it something intuitive, as well as what the particular works of art you could perform or could not perform? Did you have a different kind of feeling, in a sense?

Mr. ROSTROPOVICH. In understand the question, Senator Kennedy. In a small example now, Now I learned a new concerto of a Soviet composer and for me, no doubt, that is new genius in the music. I must tell you, honestly, that is so difficult music, I must work to understand what this music says and if I so much in my time am educated to understand this composition, I know that not many people understand for the first time this composition.

In the Soviet Union, censorship, that is basic to this composer. He was, until the last 2 years, completely unknown, only in the Soviet Union. His composition was not performed in the West and, you know, who knows his genius of the great musicians who understand music or who are good musicians who understand music?

In the United States, I have not any barriers, not any difficulties, I perform everything that I think I must. In the Soviet Union, very great artists with genius have not performed for many years No. 9 Sonata of Prokofiev, who dedicated it to him, only because censors have forbid it to be played to him. But who will understand music, the musician or the censor?

I will tell you a small story. Once, when I must go, a Soviet artist, to the United States, of course from Moscow some censor said tell me exactly which program you would like to play in the United States. I said to him, very honestly, you know I was the last time 2 years ago and I give this program to Mr. Huhrer and I had forgotten this program, because it was my repertoire, I come and I—after his call to me each 2 hours for 1 week, we will not permit you to go to the United States if you do not know what you will perform there. I said I will perform my repertoire, Brahms and—very great pieces. Without words, I made him a little bit quiet.

Afterwards, I was so angry, I said yes, I give to you my program in the Untied States, I play Bach Suite No. 7—but Bach composed only six. [Laughter.]

Mozart Sonata for Cello and Piano G Minor. Mozart never composed something for cello and piano. [Laughter.]

He asked me, you perform something in Russian? I said, of course, Skiardan Sonata for Cello and Piano—never describing something for cello, and he was very appreciative to me and said now you are allowed to go. Of course, after that, there was great scandal coming to me, the special minister asked me, and what do you say to this guy? I said I do not know what I said, I never said—but that is the story of what is absolute censorship.

Senator KENNEDY. That says it all. Thank you.

Senator PELL. Senator Simon.

Senator SIMON. I just join in thanking you, Mr. Rostropovich. You have been conducting the symphony for freedom this morning, and you have done it beautifully and eloquently and we thank you.

Mr. ROSTROPOVICH. Thank you very, very much.

Senator PELL. I have one follow-up question. I understand, Maestro, that you are a "citizen of the world," not a citizen of the United States or the Soviet Union. Does that mean that you——

Mr. ROSTROPOVICH. I am a citizen of the world.

Senator PELL. And you travel on that kind of documentation?

Mr. ROSTROPOVICH. Yes, I do. I have a passport only for travel, but the Prince and Princess of Monaco gave me a passport like they have for diplomats, because I do not have a Soviet passport and do not have other citizenship. I am stateless and I am very happy with this position, because I embrace the whole world.

Senator PELL. I congratulate you and I know what pleasure that would have given Gary Davis, who started a moment for citizenship of the world. I wish you well.

Thank you very much.

Senator **Pell**. We now come to Congressman Buchanan. As I said earlier, we miss Mr. Buchanan very much indeed and look forward to his testimony.

STATEMENT OF THE HON. JOHN H. BUCHANAN, JR., CHAIRMAN, PEOPLE FOR THE AMERICAN WAY ACTION FUND, WASHINGTON, DC; ACCOMPANIED BY BETH TUTTLE, VICE PRESIDENT AND DIRECTOR OF COMMUNICATIONS, PEOPLE FOR THE AMERICAN WAY ACTION FUND

Mr. **Buchanan**. Thank you, Mr. Chairman and members of the committee.

It is a special privilege to follow to this table Maestro Rostropovich, who indeed is a champion of freedom of expression and two super powers has been his courage and force for freedom, as well as for art, as perhaps the world's great cellist and a very great composer.

I want you members to go through this process that this is about people like him and all those working musicians of the National Symphony Orchestra who, for little recompense, bring great beauty to those of us frequent the Kennedy Center and for all their counterparts, millions of them, who play, who write, who act, dance, who sing, all across this great land of ours and enrich the lives of their neighbors.

I am prepared to demonstrate this morning from a poll we have conducted, that we the people say to you, support the National Endowment and by no means place restrictions by government on freedom of expression.

I appear today as the chairman of People for the American Way Action Fund and its 285,000 members around the country. We strongly support freedom of expression and resist government censorship of the arts and, therefore, we decided that we should take a poll to see where the American people stand on these questions, do they support the National Endowment or do they support censorship of the arts, and so we asked the firm Research and Forecasts to conduct for us—they do research in the arts—a poll nationwide.

Critics of NEA have criticized in two areas. First, they say that the American public—they speak to the American public when they call for closing down the endowment and this is simply wrong; second, they say that there should be government controls, and this is also wrong.

Our poll demonstrated in numbers that thrilled us that American overwhelmingly reject censorship of the arts and strongly support the National Endowment for the Arts against its critics.

The public opposes censorship of the arts overwhelmingly, even when it is controversial art, even art they find personally offensive: 93 percent say that even when they find a particular piece of art offensive, others have the right to view it; 96 percent agree that people have different views on what is obscene in art and what is not; 80 percent disagree that nudity in art is usually pornographic; 93 percent say freedom of expression is essential to the arts and to artists; 81 percent agree that Congress should not pass laws that interfere with our rights for free expression.

The public sides with the National Endowment for the Arts in the current controversy: 80 percent support maintaining or increasing NEA's budget; 61 percent oppose controls of art content of projects funded by the Art Endowment.

The public opposes congressional interference in NEA's artistic decisions. Only 4 percent support congressional involvement in NEA funding decisions, versus 63 percent who support leaving artistic decisions to the NEA's citizen panels or to the NEA itself. Many of the NEA critics charge this is not a question of censorship, but of government sponsorship; yet, 83 percent of the American people say NEA serves a very useful purpose for American society; 69 percent disagree that NEA is wasting the taxpayers' money, solid majorities support Federal funding for the arts, even for controversial artists.

NEA critics suggest the endowment serves an American constituency, but a broad majority of the public values the arts: 76 percent say the arts are an important part of my life, and 85 percent say they wish they had more time to enjoy cultural activities.

More people attend art events than sports events in the United States: 60 percent say there are not enough cultural programs in their community, and 89 percent say America's world leadership and competitiveness depend on the continued creativity of our citizens.

The public also respects artists: 90 percent agree, I admire artists.

I think President Reagan spoke in this instance for us all when he said, "Artists have to be brave, they live in a realm of ideas and expression and their ideas will often be provocative and unusual. Artists stretch the limits of understanding, they express ideas that are sometimes unpopular. In an atmosphere of liberty, artists and patrons are free to think the unthinkable and create the audacious. They are free to make both horrendous mistakes and glorious celebration. Where there is liberty, art succeeds. In societies that are not free, art dies."

Mr. Chairman, as a graduate of a theological seminary, I would also like to discuss in the question period, if possible, a different view of some of the most controversial works that are alleged to be funded by NEA. If you would give me that opportunity, I would like to do so.

I have with me Beth Tuttle, who is vice president and director of communications at People for the American Way Action Fund, and she will assist me in responding to your questions pertaining to the poll, etc.

Thank you.

[The prepared statement of Mr. Buchanan follows:]

PREPARED STATEMENT OF JOHN H. BUCHANAN, JR.

Mr. Chairman, I am John H. Buchanan, Jr., chairman of People for the American Way Action Fund, a 285,000 member nonpartisan civil liberties organization. I am pleased to be able to testify today on the reauthorization of the National Endowment for the Arts.

I would like to respond to the critics of the National Endowment for the Arts in two areas: First, a number of Congressional opponents and Religious Right and extreme conservative organizations would lead us to believe that they speak for the American public when they call for closing down the Endowment. I want to take the opportunity to report to the Subcommittee on the results of a nationwide poll that reveals what the American people believe should happen with the NEA. Second, as a Baptist minister, I want to respond to charges that certain works funded by the NEA are obscene and blasphemous.

POLL RESULTS: THE AMERICAN PUBLIC'S PERSPECTIVE ON THE NEA

First, I will turn to results of a nationwide public opinion poll conducted by Research and Forecasts, Inc. and commissioned by the People For the American Way Action Fund. The poll questioned Americans about their attitudes about the continuing controversy surrounding the National Endowment for the Arts and about their views on government censorship of the arts.

The poll gauged the views of a representative cross-section of 1,200 Americans on art censorship, the NEA controversy, obscenity, nudity in the arts, public tolerance of "offensive" art, and the respondents' own involvement with the arts. (The poll was conducted in late March, before the controversy in Cincinnati surrounding the Mapplethorpe exhibit.)

I am pleased to report that the American public is committed to freedom of expression and to the arts. They overwhelmingly oppose censorship of artists' work and of controversial art, even if they find it personally offensive. According to the survey, 93 percent say that even when they find a particular piece of art offensive, "others have the right to view it." (Certainly this is borne out in the public response to the exhibit of works by Robert Mapplethorpe at the Contemporary Art Center in Cincinnati. According to a recent poll by the University of Cincinnati, even in that conservative city, a healthy majority of people believe that the photography exhibit should be shown.)

Although much of this debate has been framed in terms of obscenity, 96 percent of the public understands that "people have different views on what is obscene in art and what is not," and four out of five believe that nudity and sexual poses in art are not pornographic or obscene.

The American public overwhelmingly believes that "freedom of expression is essential to artists and the arts," and that Congress should not pass laws that interfere with our right to free expression. The public is strongly opposed to the imposition of content controls on federally funded art: 61 percent oppose "controls over the art content of projects funded by the Arts Endowment."

Moreover, the survey found that solid majorities support federal funding for the arts, even for controversial artists. Many of the NEA's critics charge that this is not a question of censorship, but one of government sponsorship. The poll lays this charge to rest as well. Nearly two-thirds of the public believe that government funding for avant-garde or leading-edge artists should not be stopped because a few people feel their work is controversial. Sixty-six percent of Americans disagree that "the Congress should prevent funding of any controversial arts projects or shows."

The public believes that the National Endowment for the Arts "serves a very useful purpose for American society." Denying that the NEA is wasting the taxpayers' money, 80 percent support maintaining or increasing the NEA's budget. When asked whether Congress should cut NEA funding and impose restrictions on NEA-funded projects, three out of five Americans oppose any funding cuts or restrictions. Only 13 percent of those questioned think that there should be no federal funding for the arts.

Congressional critics and a number of Religious Right and extremist organizations have demanded that Congress impose strict controls over the NEA's grant-making process. These critics, who claim that they represent the American public, are wrong. According to this survey, Americans think Congress should not interfere with NEA's artistic decisions: when asked who should decide which NEA projects get funded, only 4 percent wanted Congressional involvement in NEA funding decisions. Sixty-three percent support leaving funding decisions to the NEA's citizen panels or to the NEA itself—a far cry from the claims of NEA opponents.

Opponents of the NEA have seized on a so-called "populist" theme to argue against funding of the arts, saying that the Endowment serves only a narrow constituency of wealthy, urban people and that the public places little value on the arts. Nothing could be farther from the truth. Seventy-six percent of Americans say the "arts are an important part of my life" and 85 percent say they wish they "had more time to enjoy cultural activities." Eighty-nine percent of those surveyed say that "America's world leadership and competitiveness depend on the continued creativity of our citizens."

Americans attend more cultural events than sporting events—and wish there were more: 60 percent say that there are not enough cultural programs in their communities.

We believe that the survey results demonstrate just how out of step with the public the NEA critics really are. Not only do Americans support the NEA and oppose government censorship of the arts, the vast majority want art programs in their communities. Many want the NEA to increase its support for the arts. Moreover, according to the poll, the public refuses to allow a handful of vocal opponents to decide what art all of us can see.

Mr. Chairman, I see this controversy as a close parallel to what we saw in the Congressional fight for the Civil Rights Restoration Act. Some of the same people who oppose federal funding of the arts also were involved in trying to defeat that important legislation. Using similar tactics—distorting the facts, twisting the effects, and wrenching the meanings out of context—Religious Right leaders were able to flood the Hill with mail and phone calls in opposition. Congress did not bow then, and it should not bow now to these tactics and demagoguery. This poll confirms that the vast majority of the American people support the NEA and stand firmly committed to the principle of freedom of expression.

The American people clearly agree with former President Reagan when he said:

> Artists have to be brave: they live in a realm of ideas and expression and their ideas will often be provocative and unusual. Artists stretch the limits of understanding. They express ideas that are sometimes unpopular. In an atmosphere of liberty, artists and patrons are free to think the unthinkable and create the audacious. They are free to make both horrendous mistakes and glorious celebrations. Where there's liberty, art succeeds. In societies that are not free, art dies.

THEOLOGY OR BLASPHEMY?

A great deal of the criticism of the National Endowment for the Arts has come from the Religious Right and their allies. As an ordained Baptist minister and graduate of Southern Baptist Theological Seminary, I would like to let the committee know that there are alternative views to these religious leaders' interpretations of NEA-funded art works that they deplore.

Humanity is portrayed in the Bible as the crown of God's creation, created in His image. We humans are the only creatures to whom God gave the gift of creativity—only we are capable of painting, composing a symphony, writing a poem, or designing a cathedral. In the act of creativity we most perfectly reveal that we are created in the image of God.

According to the Bible, God also created the miracle of the human body and created the joys of human love for our good. This love in all its manifestations is neither vulgar, obscene, nor pornographic.

Nevertheless, wrong-headed churchmen through the centuries have found evil in that which God made for good. For example, one of the early popes wanted to do away with Michelangelo's depiction of the Last Judgment in the Sistine Chapel, because the figures were naked. A blouse was painted on Mary because she was shown breastfeeding the baby Jesus. Figures on the ceiling of the Sistine Chapel were covered because of their nakedness. One pope ordered statues of nude forms thrown into the Tiber River because their beauty might distract the faithful. This kind of zealousness has continued through the centuries. It is no more appropriate today than it was hundreds of years ago.

I once heard a Baptist preacher describe dancing in terms so lewd and vulgar that he turned it into something evil and ugly. And yet at the Southwest Churches' Good Friday services a few weeks ago we concluded our worship with a wonderful Shaker hymn portraying Jesus as lord of the dance.

What about the controversial artworks brought to our attention by the Religious Right? What about the picture of the crucifix immersed in urine? Recently I spoke to my Sunday school class in a Baptist church in Washington. I told them about the controversy and the crucifix immersed in urine. I said, "That's shocking, isn't it?" They said, "Yes." I said, "That's outrageous, isn't it?" They said, "Yes." I said, "That's offensive, isn't is?" They said, "Yes." I said, "Therefore, it is a true expression of the meaning of the crucifixion to serious Christians, because Isaiah said: 'He was wounded for our transgressions, he was bruised for our iniquities: the chastisement of our peace was upon him; and with his stripes we are healed.' "

To most, if not all, Christians, the Cross represents Christ taking upon Himself our sin. So in addition to the terrible physical agony of a crucifixion, there was a spiritual agony of what our sinfulness and rebellion had heaped upon Him. Therefore the shocking picture of the crucifix in urine can be interpreted as a faithful portrayal of the shocking, outrageous, offensive reality of our sinfulness heaped upon Him. What is blasphemy to certain Religious Right leaders was to the artist a vivid statement of spiritual reality.

What about the painting of Christ shooting dope in another controversial exhibit? It is equally shocking, outrageous and offensive. Yet in this society and in this city and in many other places in the world, year after year, innocent young people are induced to dependency upon drugs. The agony on the face of that painting represents their agony as human beings. And Jesus said, "Even as ye have done it unto the least of these, my brethren, ye have done it unto me." Shocking art? Yes. Good theology? For me, yes. Do I believe that everyone has to agree with this interpretation of the picture? Absolutely not! That is what freedom is all about. That's what art is all about—to try to tell the truth, to try to portray reality, or shock us or move us into thinking about it.

Volumes have been written about the meaning of works of literature, music, and the visual arts, just as there are whole libraries of books written on various interpretations of the Bible. Those who want to confine us to one simplistic interpretation or limit our ability to consider works of art in all of their interpretations do an injustice to the richness of artistic expression, and diminish our freedom.

ONE EXAMPLE OF NEA's CONTRIBUTIONS ON THE LOCAL LEVEL

Finally, Mr. Chairman, I would like to speak as one of millions of the beneficiaries of the National Endowment for the Arts. It is my privilege to chair the National Choral Foundation that sponsors the Paul Hill Chorale and the Washington Singers. I also sing in the Capitol Hill Choral Society. Both of these entities has been funded either directly or through the District of Columbia Commission on the Arts and Humanities. In addition to our concerts for which we charge admission, we sing in churches and hospitals, senior centers and schools, and reach out to the community to bring them the beauty of music. Are we unique? No. We represent groups all across our Nation where people like us in music, or those who paint or dance or write or act who have these things in common: we all strive for excellence, we all struggle to make our budgets, and we do our best to serve our communities.

I hope that this testimony is helpful to this Subcommittee as you begin the process of deliberations toward reauthorization of the National Foundation for the Arts and Humanities Act. I believe that this nationwide poll by Research and Forecasts, Inc. shows conclusively that Congress can be assured that when you reauthorize the National Endowment for the Arts without funding cuts and without content restrictions that you represent the position of the overwhelming majority of the American people. I hope also that my personal testimony about interpretations of certain works of art funded by NEA in the past has helped the Subcommittee understand that there are many ways to view a work of art—even from a theological perspective—and that our ability to hold and express many interpretations signifies most strikingly our freedoms as Americans.

Senator **PELL**. I thank you very much indeed.

From your viewpoint as a former seminarian, what are your thoughts with regard to the current controversy in the arts?

Mr. **BUCHANAN**. Thank you, sir.

You know, humanity is portrayed in the Bible as a crown of God's creation. We are created in His image, male and female, according to Genesis, and He looked upon everything He created and said that it was good. It is He who gave us our sexuality and created the joy of human love, the miracle of human birth, and it was all intended for good.

Jesus said, "Blessed are the pure in heart, for they shall see God." And if your heart is pure and your mind is clean, then in the body of the person, a man or a woman or a child, you see the beauty of God's image and His creation. It is only when your mind is impure and unclean, that you can read into human nudity or the love relationship that human beings have, something that ugly and vulgar and obscene.

Throughout the centuries, wrong-headed clergymen have violated this truth. I mean they started to paint over the judgment scene in the Sistine Chapel. They painted a blouse over Mary, because there was a picture of her breast feeding infant Jesus. They clothed the naked figures in the Sistine Chapel and one legislator ordered that statues be thrown into the River Tiber, because their beauty might distract the faithful. That has been going on all through the years.

But the specific controversial works that are alleged to be funded by NEA—because you know how the process works, I mean panels of citizens expert in that area of art make the decisions based on artistic merit and they will fund an entity or an art contest or festival and something controversial may pop up out of 80,000-odd grants over 24 years, 20-odd have proven to be controversial, and I will get to the controversy.

The figure of Christ, the crucifix immersed in urine in the photographer's urine to which my respected friend Senator Hatch referred earlier, Mr. Chairman, that is offensive to me. I spoke to my Baptist Sunday School class in the church I attend here in Washington on this subject, talking about the crucifixion before Easter. I said, "There is a photographer who has immersed a crucifix in a jar of his urine and taken a photograph of it and there is great controversy concerning it, isn't that offensive?" They said yes. I said, "Isn't that outrageous?" Yes. "Isn't that shocking?" They said yes. I said, "Then it is a true portrayal of the meaning of the cross and the crucifixion, because we Christians believe that Jesus, the Lamb of God, who took upon himself our sins, and we immersed him in all the ugliness of our sins and He took upon himself, as Isaiah said, our strife and was bruised for us, and what the artist was trying to portray, as I understand it, is the terrible reality of the cross and what we did to the Lamb of God—one point of view".

Should it be everybody's point of view? Of course not. That is what art is about and that is what freedom is about.

Let me use another one that also shocked me, the painting of Jesus shooting dope. Now, that is shocking, outrageous and terrible, and in this city and all around this country and in many places all over the world, there are innocent young people being induced into drug dependency and the agony on the face of that portrait, that painting reflects the agony of their lives. And Jesus said, "Even as you have done it unto the least of these, my brethren, ye have done it unto me." Now, that is a different interpretation and the artist intended something like that, that is what he meant.

Senator PELL. I thank you very much. That is a different viewpoint, and a valid perspective and I think it is one we should consider.

One further question in connection with the poll, who took the poll?

Mr. BUCHANAN. The poll was taken by Research and Forecasts, Inc. They are a public opinion and market research consulting firm. They are a part of the Council of American Society of Research Organization and they operate in the arts. We picked them out as an independent pollster, because we really wanted to know what the American people think. When you are about to do battle, as you know, on a legislative issue, you need to know where the people are and we wanted to know. They say they told us just exactly what the people said.

Senator **Pell**. How many respondents to the poll were aware of the current controversy.

Mr. **Buchanan**. Let me see——

Senator **Pell**. I do not think that is in there.

Ms. **Tuttle**. It is—57 percent of the respondents said that they were either familiar or had heard of the NEA controversy.

Senator **Pell**. Thank you very much.

Senator Kassebaum.

Senator **Kassebaum**. Congressman Buchanan, that is an interesting observation and a very thought-provoking one. In some ways it reflects, I think, what I said at our first hearing regarding the need to answer to our constituencies. I have heard from and visited with many as I have been around the State who are troubled by this issue. As the issue has grown and become confusing in many ways, they wonder why they need pay their tax dollars to be provoked.

I think that we, all of us, have some responsibility to be able to assure our constituents that, indeed, they do have a voice that is being heard, and I think it is a voice of concern. I think we have to answer that, or otherwise we are going to lose the broad-based support which we need. I think your poll is interesting, but I am not sure that I really believe that it reflects the depth of diversity that is out there, certainly in Kansas. I think Kansans are fairly broad-minded about many things.

Now, I do not think anybody wants censorship. Many of us are troubled by restrictive language, but I also believe that, if we are going to continue to fund the National Endowment for the Arts as we have for 25 years with great success, we have to be able to assure our constituents. In Kansas, many fine efforts have benefited from this support—including the Wichita Symphony and many others. Perhaps a re-examination, which we have not done for a long time, would be useful. After 25 years, perhaps we should be willing to look at some ways that we can restructure the National Endowment of the Arts without getting involved into restrictive language. I think we have to be willing to explore establishing a better delivery system, sending more funds to the States in block grants because a State is closer to the arts in that State, and some things like that.

I guess I was really quite struck with some testimony that Leonard Garment gave on the House side. He said politics and public opinion make demands, and we have to, I think, not ignore that, or we do so at some risk. The public feels disconnected. He went on to say something that I think was very important. "Private rights to self-expression are said to preclude any legitimate areas for official discretion, and if rationality and common sense are swamped by name-calling, then the Endowment will gradually lose its political base," and he added, "It will shrink and perhaps even die, and that would be a real tragedy for the arts."

I think that is what these hearings are about and why they are important. We simply cannot engage in this name-calling across the public's bow, because they really do not understand the diversity of the arts in this country and the government's role in that.

So, what I think our hearings are about at this point are to explore ways that perhaps we can change the structure of the NEA. I wish that the commission that was authorized last year would have been in place and given its report by now. I think that would be another aspect that would be useful. I have given more a statement, I guess, than a——

Mr. BUCHANAN. If I may respond——

Senator KASSEBAUM. Please.

Mr. BUCHANAN. Thank you.

First of all, it is true that the American people want accountability, and John Frohnmayer has promised such accountability and made very clear he does not intend to fund that which is obscene. And yet, by the same token, I think the thrust of the poll, the figures—I wish more would be taken, so we could have a broad range of polls, because this I think is a valid poll. The figures might vary, but the people do not want congressional interference and they do not want government censorship of the arts.

I think you certainly should remain the work of the National Endowment, consider any changes, but as you are well aware, basic decisions are made by citizen panels and some of the most controversial have been made at the State level.

The thing that is unfair about this whole debate is there is an element of demagoguery that is truly unfair. I am not aware of a single NEA panel that has picked out something that was pornographic or obscene and said we want to fund that painting. I am unaware that that ever happened. They fund an arts entity of proven stature, like a Corcoran, they fund a contest like that one in Richmond by another arts entity of stature, they fund an artist who has proven merit, and then once in a great while somebody does something controversial.

In one of the instances in the latest letter from one of the persons leading the crusade against the National Endowment, he took pictures that were tiny, in a big collage, and blew them up 2,200 times and then distributed them to pastors around the country and others, saying this is what the NEA has funded. That is just simply misrepresentation and I do think the demagogic way this has been handled by the critics of NEA is the real problem.

I doubt if there have been any where they knowingly and intentionally funded obscenity or pornography, and in those rare instances where something like that did end up being supported by government funds, the critics have taken it out of context and exaggerated terribly what has happened.

Senator KASSEBAUM. I certainly agree with you there. I would just add, though, that I have been around the State quite a bit in the last couple of months. People are saying to me, well, if you take Federal funds, whether in agriculture or whatever it may be, you have to fulfill many obligations, and why should there not be those same obligations in the arts. I would only raise that with you, because many say with Federal funds there are always some strings attached. We often wish there were not.

Mr. BUCHANAN. What I hope you will not do is take the posture—and I do not believe you will, I know you will not—that, say, a student receives a Pell Grant and then goes out and does something terrible or criminal, that does not mean you should do away with the Pell Grants and it does not mean that you need more government. [Laughter.]

Or say a sailor, and this sometimes happens, say sailors a long time at sea go into some port and they drink too much beer and they get drunk and get involved in a drunken brawl. It would not be fair to say to the Department of Defense, the taxpayers through the Department of Defense are underwriting drunken brawls, and we should not do that to the NEA. This is comparable. The objections that have been raised really are often comparable to something like that. It is not a true picture, accurate or right.

Senator PELL. Thank you very much.

Senator Kennedy.

Senator KENNEDY. I want to join in welcoming you, Congressman. I was not aware of your theological background and it is interesting to hear.

As I understand the nature of the support that you refer to was pretty broad or generally broad across the country, is that correct?

Mr. BUCHANAN. That is exactly correct, yes, sir.

Senator KENNEDY. You know, when we are looking at the Mapplethorpe exhibit, it is interesting that—as I understand it, it was up in Hartford, CT and did not cause a ripple, and then it went to Cincinnati and caused a stir.

Obviously, there are different value systems in different parts of the country and the U.S. Supreme Court has addressed that in establishing that there is a difference between obscenity and difference in vulgarity. I mean these are issues which the Court has determined that local mores would be deciding.

I gather what you are saying is, if you get a grant, you should not have to sacrifice your First Amendment rights. Is that——

Mr. BUCHANAN. Absolutely not and——

Senator KENNEDY. In a society, in communities, there are going to be, I imagine, different judgments that are going to be made and what we ought to be about. The NEA, in a very long and distinguished career, with those few exceptions, has supported things which have been provocative and beautiful and also in these other cases would certainly offend some people's sensibilities, as other artists offended some people's sensibilities at other times in our history. We ought to be very careful in terms of establishing rules and regulations that would chill this kind of creative aspect like to which Mr. Rostropovich referred.

Mr. BUCHANAN. Absolutely. I think he spoke for us all and spoke eloquently for all who love freedom.

You mentioned Cincinnati, I would point out that our poll, if we tried to break it down State-by-State—we do have it broken down regionally and could give you those figures—but, Cincinnati, like Birmingham that I represent, it is very representative, it is a very conservative city, and yet people thronged the street to see this exhibit and when the University of Cincinnati took a poll, they found a solid majority supported continuing the exhibit, just as we found that two-thirds of the American people disagree that Congress should prevent funding of controversial art projects.

I really think there is a solid majority of people, even in conservative places in the country, who do not want government censorship, who want free expression.

Senator **Kennedy**. Thank you very much.

Senator **Pell**. Thank you very much.

Senator Cochran.

Senator **Cochran**. Mr. Chairman, thank you.

I am glad I got here for Congressman Buchanan's appearance before the committee. I have been a friend for a long time, since we served together in the other body, and he has a lot of relatives in my State who are very good about voting in elections and things like that. [Laughter.]

I am glad to see you and I congratulate you for taking the time to present these views to the committee, because I think we are going to benefit from them. I think we should have input of this sort into this process and I thank you for taking the time to be here. I have read some of your statement, I am going to read it all.

Mr. **Buchanan**. Thank you, Senator.

Senator **Cochran**. It is good to see you, John.

Senator **Pell**. Senator Simon.

Senator **Simon**. Thank you, Mr. Chairman.

I also had the privilege of serving in the House with John Buchanan. I think your message is very clear.

I think one of the good things that has come out of all of this is that we really have had a good discussion of the role of the arts in our society and its importance in this whole area of freedom of expression.

One final point, as a result of your comments, I think we probably ought to investigate the Pell Grants. [Laughter.]

I appreciate your testimony and your leadership. Thank you, Mr. Chairman.

Mr. **Buchanan**. Mr. Chairman, could I add one note, in response. As Senator Simon and Senator Kassebaum and perhaps others know, when I talk about the arts community in a very small and modest way, I am talking about us and not them, because it is my privilege to serve as chairman of the National Chorale Foundation, which sponsors the Kennedy Center Paul Hill Chorale of Washington Singers, and it is also my privilege to sing in the Capitol Hill Chorale Society, like some of your staffers do.

We receive modest grants, matching grants from the State commission, in our case, DC. and NEA and the National Chorale Foundation's case, and what we have in common is we strive for excellence, we struggle with budgets, arts centers all across the country, and we try to serve our communities. We reach out to schools and churches and hospitals and senior citizens, trying to bring art to the people. This is the story of the National Endowment. It is like the gold and frankincense and myrrh that people all across the land are bringing gifts to their neighbors.

Senator **Pell**. Thank you for being with us, Congressman Buchanan, very much indeed.

Mr. **Buchanan**. Thank you.

Senator **Pell**. We will now move on to the next panel, Mr. Lee Bollinger, Dean of the Law School at the University of Michigan; Professor Kathleen Sullivan, Harvard Law School; Mr. Bruce Fein, partner in Blaustein and Fein; and Mr. Robert Showers of Gammon and Grange, lawyers here in Washington.

While the panel is taking their seats, I would just observe to the Senator from Illinois that we first met and became friends at a concert in Moscow 33 years ago, where we, by coincidence, had seats next to each other.

Senator SIMON. That may be used against both of us. [Laughter.]

Senator KENNEDY. Mr. Chairman, could I just add a word of welcome to Professor Kathleen Sullivan. She has been here on a number of different occasions at our Judiciary Committee and is a valuable resource on a wide variety of constitutional issues. We always profited on that committee from her insight and look forward to welcome her today on this issue.

Senator PELL. Thank you very much.

I would observe that we have more panels coming up and we want to ask some questions. If the witnesses could restrict themselves to speaking for 5 minutes, we would be very grateful indeed and we could get in some questions. Your full statements will be printed in the record, as if delivered.

Mr. Fein.

STATEMENTS OF BRUCE FEIN, PARTNER, BLAUSTEIN AND FEIN, GREAT FALLS, VA; LEE BOLLINGER, DEAN, UNIVERSITY OF MICHIGAN LAW SCHOOL, ANN ARBOR, MI; H. ROBERT SHOWERS, GAMMON AND GRANGE, WASHINGTON, DC; AND KATHLEEN M. SULLIVAN, PROFESSOR, HARVARD UNIVERSITY SCHOOL OF LAW, CAMBRIDGE, MA

Mr. FEIN. Thank you, Mr. Chairman.

I am grateful for your generous invitation to offer testimony addressing legislation to reauthorize the National Endowment for the Arts. The issue raises a more important component of public policy and democratic policy and democratic philosophy than is frequently apprehended. I do not think Shelly was stating this to undercut the important of you all, but he did observe that "Poets are the unacknowledged legislators of the world," and the reason is that the arts inform the evolution of public opinion; and, in democratic governments like our own, public opinion or conventional wisdom, whether right or wrong, is an irresistible legislative juggernaut.

I think Senator Kennedy, in some respects, highlighted this when he referred to Harriet Beecher Stowe's book, "Uncle Tom's Cabin," as being very influential in the fight for abolition of slavery and even leading to war. I think that politics and art inevitably merge. You cannot get away from it. You cannot say we will compartmentalize the cultural dimension of the NEA and not consider a political dimension. The two are inseparable.

If I can borrow from a paraphrase of Justice Potter Stewart in an obscenity case, I think the U.S. Supreme Court would say, with regard to NEA funding of artwork, that to withhold taxpayers' money is not censorship. The Court knows censorship when it sees it and it has stated repeatedly that the declination to use taxpayer money to fund art, whether protected by the First Amendment or not, is not censorship in the First Amendment sense.

Whether or not NEA deserves reauthorization, I think is a question that nonlawyers could provide far more understanding than someone like myself or Mr. Rostropovich. I would suggest, however, that I think artists are made of sterner stuff to believe that, without public moneys, their brilliance would lapse. The arguments in favor or not of extending NEA I think are very well-balanced, but I would like to focus my testimony on content restrictions on NEA grants.

I think it is clear that it is constitutional and desirable for NEA to place certain narrowly limited content-based restrictions on those who would use taxpayer money, and the reason is because a Nation lives by symbols, and whether or not the number of grantees that might be affected are a handful or not—and I suspect it would be very few, as the testimony indicated, out of 85,000 grants, maybe a score have raised questions—that the law on this score has a tutelary effect, as well as a substantive one, and it says something about what our country is if we fund obscene art, if indecent art is funded, if art that is the equivalent of child pornography receives taxpayer money, and art that is intended by the author to revile a particular group based upon ethnicity, race or religion.

On that score, again, I think it is helpful to return to a comment that Senator Kennedy made earlier regarding the flood of glasnost over Eastern Europe. Even there, there has not been a limitation on the power of government to proscribe parties, political parties and speech designed to arouse ethnic hatred.

The Soviet Union recently enacted a law that prohibited such organizations in Azerbaijan, in Armenia, because it saw what was happening when that kind of hatred received any kind of public support or otherwise. In the recent East German elections, neo-Nazi parties were proscribed, as they are in West Germany. In Rumania, where there are great disputes between the Hungarians and Transylvanians and the Rumanians, there are prohibitions upon speech or organizations designed to arouse ethnic hatred.

I see no reason why the United States taxpayer money ought to be utilized through NEA grants to in any way foster such kind of conduct. For instance, I think it would be intolerable if NEA granted moneys that would fund the showing of "Birth of a Nation." That is a very racist film, it was produced in the early 1900's. Woodrow Wilson observed the premier showing and I think it is a very ugly period in the United States, where racist sentiments were being promoted in that way, and it seems to be exceptionally helpful if NEA was restricted, not because I think that there would be thousands of grantees who would be applying, perhaps David Duke, to do such a thing, but because, as I say, the law teaches the people what kind of behavior ought to be applauded and what ought not to be applauded.

A Nation of bigots, a Nation of close-minded hate-mongers is not the one that thrives in any democratic sense, and if we want an example from history, we just need to look at the Third German Reich.

In summary, as I see my time is up, I think George Washington had it right. Writing to a Hebrew congregation in 1790, he asserted that our government gives to bigotry no sanction and to persecution no assistance.

Finally, I think that these narrowly-based content restrictions on NEA can be imposed, without threatening true artistic freedom. All I would suggest is that the NEA ask, in affidavit from its grantees, to subscribe the limitations, the narrow ones that Congress has enacted, no prescreening by lawyers, no fumbling through the ambiguous standards of obscenity or indecency that the U.S. Supreme Court has expounded, but simply that pledge: If, after the fact, there is a legal determination in a court of law that the pledge has been violated, the money can be recouped. We do not want to send prosecutors after artists. That seems to be quite unbecoming and unfaithful to the First Amendment. But these narrowly-limited content based restrictions do seem to me an adequate and appropriate reconciliation between unlimited artistic freedom and the legitimate concern for you all about how taxpayer money is used and how it ought to be used to promote, not denigrate genuine democratic values.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Fein follows:]

PREPARED STATEMENT OF BRUCE FEIN

Mr. Chairman and Members of the Subcommittee: I am grateful for your generous invitation to offer testimony addressing legislation to reauthorize the National Endowment for the Arts. The issue raises a more important component of public policy and democratic philosophy than is frequently apprehended. For as the literary giant Shelley perspicaciously observed: "Poets are the unacknowledged legislators of the world." The reason is that the arts inform the evolution of public opinion; and, in democratic governments like our own, public opinion or conventional wisdom, whether right or wrong, is an irresistible legislative juggernaut.

I. ARTISTS ENJOY NO CONSTITUTIONAL RIGHT TO SUBSIDIES

The Constitution does not compel government funding of artistic expression that is protected from censorship under the First Amendment. Writing for the Supreme Court in *Maher v. Roe*, 432 U.S. 464 (1977), Mr. Justice Powell underscored the basic fundamental difference "between direct state interference with a protected activity and state encouragement of an alternative activity consonant with legislative policy." Thus, while the Constitution, at present, recognizes a right to an abortion, it does not guarantee a right to have the government subsidize that choice; while the Constitution guarantees a right to private education, it does not insist on government funding of that parental choice; and, while the First Amendment protects the right to acquire and to display Vincent Van Gogh's *Irises*, it does not guarantee the owner a $55 million government bequest to foster exercise of the right.

The Supreme Court reiterated in *Regan v. Taxation With Representation of Washington*, 461 U.S. 540 (1983), that congressional decisions regarding allocation of public largess, tax exemptions, or deductions are generally shielded from judicial oversight in deference to the policy choices of legislators. A legislature's decision to decline subsidies for the exercise of a fundamental right, whether affecting abortion, free speech, or otherwise, is irreproachable unless animated by an illegitimate constitutional purpose, such as hostility towards a particular idea, *simpliciter*.

In sum, no artist is crowned with a constitutional right either to insist that NEA be reauthorized or to receive an NEA grant if the program is extended and funded.

II. DOES NEA DESERVE REAUTHORIZATION?

The arguments in favor of prolonging NEA's life seem inconclusive at best in an era of worrisome budget deficits. Artistic expression that enlarges and enriches the marketplace of ideas and the pleasures of the eye and ear deserve encouragement. They can provide insights into human nature, knowledge, and evoke emotions that nurture tolerance, stretch the imagination, and offer psychological repose or exhilaration. These are central ingredients to discovery of individual or collective meaning and joy in life.

But it seems inaccurate to suggest that public subsidies are necessary to great or inspiring art. Sam Johnson, Charles Dickens, Henry David Thoreau, and Van Gogh, for instance, produced artistic masterpieces in impecunious circumstances.

This is not to say that public subsidies preclude works of artistic genius. History is to the contrary. But it does suggest that cultural life in the United States would not be extinguished if an epitaph were written for the NEA.

During its 25 year existence, I am unaware of any NEA funded art that seems a strong candidate to live for the ages ala Shakespeare, Beethoven, Michelangelo, or Rembrandt. NEA should not be condemned for seeming to subsidize a surplus of artistic mediocrity. Identifying artistic greatness is itself a high risk art, not a science, and many great artists have been overlooked by their contemporaries.

NEA, however, seems a miscast institution for discovering artistic virtuosity. Its dominant incentives are political and bureaucratic. The imperative of annual appropriations when combined with the prevailing political ethos means that concern over the ethnicity, gender, and geographical distribution of grantees will be smuggled into the grant-making progress. Further, the tropism of all adult bureaucracies like NEA is towards the conventional and uncontroversial, not towards Voltairean wit and parody of governing officials. The instinctive supine reaction of NEA to the contretemps over the questionable Serrano and Mapplethorpe exhibitions is illustrative.

In sum, persons specially endowed with an eye or ear for artistic talent are more probably to be discovered as employees or consultants of Sotheby's or Christy's than of NEA. The wisdom of elongating the life of NEA is not intuitively obvious, and seems weak as a matter of logic or experience. But if Congress decides in favor of reauthorization, then concurrent content-based restrictions on NEA grantees is constitutionally and prudentially compelling.

III. CONTENT-BASED RESTRICTIONS ON NEA GRANTS

President George Bush and his winsome helmsman at the NEA, David Frohnmayer, have wrong-headedly voiced opposition to the imposition of statutory restrictions on grants awarded by the NEA. An alleged harrowing prospect of content-based government censorship of free speech is the arpeggio of their refrain. But Bush's misunderstanding of the First Amendment is unbecoming a president devoted to educational excellence.

At present, NEA is prohibited from funding obscene art, which raises no substantive constitutional concerns. The U.S. Supreme Court held in *Miller v. California* (1973) that obscenity enjoys no First Amendment protection. This includes any art that appeals to the prurient interest of the average person; depicts or describes in a patently offensive way, to a local community, sexual organs or acts; and, lacks "serious literary, artistic, political, or scientific value."

Unquestionably within the obscene concept are the much discussed crudities of Annie Sprinkle, who, in a performances that masquerades as dance, masturbates on the stage, urinates in a toilet, and invites the audience to rivet on her cervix with a flashlight. There cannot be much doubt that the refusal of NEA to underwrite such degenerate regulations would be perfectly acceptable and raise no legitimate objection of free-speech censorship.

Nor should the stentorian cry of censorship inhibit the NEA from refusing to underwrite child pornography, indecent art or art that is intended to arouse racial or religious bigotry.

In *New York v. Ferber* (1982), the Supreme Court sustained a state criminal prohibition on the knowing promotion of depictions or performances of children engaged in various sexual acts. Writing for the majority, Justice White explained that government may punish child sexual exhibitions even if they were not obscene under the three-pronged *Miller* test. Several reasons were assembled to support the holding:

—the government interest in safeguarding the physical and psychological well-being of minors is compelling;

—the distribution of child pornography may permanently scar the child's psyche, and creates a commercial incentive for child sexual abuse;

—the intellectual or artistic value of children engaged in lewd sexual conduct is inconsequential; and

—the First Amendment is wholly compatible with restrictions based on speech content, exemplified by rules curbing indecency, adult bookstores, fighting words, and individual or group libel.

If such reasoning permits the criminal punishment of content-based speech aimed at the sexual exploitation of children, then there can be no First Amendment constraint whatsoever upon enacting legislation to prohibit taxpayer monies from subsidizing NEA grantees who would either produce or display child pornography.

And Congress should forbid NEA from funding indecent art. As defined by the Supreme Court in *F.C.C. v. Pacifica Foundation* (1978), indecent compositions or performances are those that appeal to the prurient interest, and describe or depict sexual acts or organs in a patently offensive manner. The *Pacifica* decision upheld broadcast curbs on indecency, at least if children were likely members of the audience. Writing for a plurality, Justice Stevens emphasized that any idea worth hearing could be communicated without employing indecent elocutions. At the very least, an indecency ban should pertain to all art subsidized with taxpayer dollars.

Nor is there justification for NEA subventions of art intended by the author or promoter to vilify or arouse hatred against a group based on race or religion. Certainly nothing in the First Amendment compels the expenditure of federal dollars on such artwork. And if Congress foreclosed NEA from doing so, there is strong justifying Supreme Court authority in *Beauharnais v. Illinois* (1952).

There, a state law made it a crime to defame any "class of citizens, of any race, color, creed or religion [by exposing the class members] to contempt, derision, or obloquy, or which [was] productive of breach of the peace or riots." The statute was invoked to punish the public distribution of an incendiary leaflet intended to arouse racial hatred. Speaking for the Court, Justice Felix Frankfurter noted that "[r]esort to epithets or personal abuse is not in any proper sense communication of information or opinion safeguarded by the Constitution." He upheld the group libel law, and tacitly recognized that racially or religiously bigoted maledictions seek to close minds permanently, not to open them to ideas, and seek to exploit the human instinct to find vulnerable scapegoats to vent personal or professional unhappiness.

Indeed, to the extent the Constitution comes into play at all with respect to prejudicial art inspired by race or religious hatreds, it is in the funding by the NEA, not in the denial of funding. In *Reitman v. Mulkey* (1967), and *Norwood v. Harrison* (1973), the Supreme Court denounced as unconstitutional any government action that might induce, encourage, or promote private persons to practice racial discrimination. Thus, NEA funding of reproductions or exhibitions of the racist film *Birth of a Nation* would flout the Constitution if the intended consequence was an exacerbation of racial prejudice.

Similarly, the NEA could violate constitutional strictures by underwriting art that promoted or denigrated religion. The Supreme Court has repeatedly decreed that the First Amendment's establishment clause forbids use of taxpayer monies to sponsor either religion or non-religion. Thus, the NEA cannot subsidize the authorship or reproduction of a prayer book. Nor could it fund Marilyn Murray O'Hair diatribes against religion, or, most probably, depictions of the crucifix upside down in a bowl of urine.

By placing off-limits to the NEA the funding of obscene art, child pornography, indecent art work, and racially or religiously bigoted matter, Congress does not impose an overly prudish standard. Yet even if some might disagree on this point, a bar against grant awards for any such artwork is of no constitutional concern. To the extent President Bush and David Frohnmayer have suggested otherwise as their ground for opposing legislative constraints on NEA funding, they are hiding behind an invisible shield. There is no First Amendment cover to be found.

The idea that NEA must shun content-based evaluations of grant applications is fatuous. How can evaluations otherwise be sensibly made? NEA employees and consultants should be fired if they decline that task so indispensable to their useful employment.

NEA, of course, regularly does make content-based distinctions in the grant-making process. The General Counsel of NEA has publicly confessed, for instance, that one proposal was denied because it seemed to celebrate animal cruelty. How is that content-inspired decision any different than one refusing a proposal because it would depict children engaged in sexual acts?

IV. Why Congress should be concerned with NEA subsidized messages

A nation lives by symbols. When the government funds works of art, it necessarily gives tacit approval to the grantee and the goals he promotes with taxpayer dollars. As Justice Louis D. Brandeis lectured in *Olmstead v. U.S.* (1928), "Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example."

The government, accordingly, must be scrupulously concerned with the messages it sends to the public by underwriting specific types of art. Bigotry, for instance, intended to arouse racial or religious prejudice should receive no government backing. Suppose David Duke, a former member of the Ku Klux Klan and current member of the Louisiana legislature, requested a grant from NEA to paint a picture glorifying post-Reconstruction lynching of "niggers." To make the grant would signify government approval or indifference to racial bigotry, and would inflame race relations throughout the country.

Suppose a neo-Nazi sought NEA funding of a mural applauding the Holocaust. To underwrite the applicant would foster anti-Semitism, and suggest the government would be phlegmatic about private persecution of Jews.

The government is vitally interested in suppressing, not promoting, bigotry because it threatens democracy. Freedom and liberty cannot thrive in communities steeped in racial, ethnic, or religious prejudice, as the German Third Reich verifies.

President Harry Truman explained in 1952 that "Mutual respect and tolerance for the beliefs of others is the secret of the strength of this blessed land." Truman was echoing the sentiments conveyed by President George Washington in writing to a Hebrew Congregation in 1790. He asserted that our Government "gives to bigotry no sanction, and to persecution no assistance."

Exploiting the human instinct towards racial or religious intolerance in times of hardship, personal despair, or low esteem was the evil genius of Adolph Hitler. Writing in *Mein Kamph*, Hitler observed that the art of successful propaganda requires directing speech "more and more toward feeling, and only to a certain extent to so-called reason." That understanding is why many colleges and universities have embraced rules of student conduct that discipline stigmatization or vilification for reasons unrelated to individual merit. The University of Michigan, for example, adopted a policy against "any behavior, verbal or physical, that stigmatizes or victimizes an individual on the basis of race, ethnicity, religion, age, marital status, handicap or Vietnam veteran status," and creates a demeaning educational environment. (On September 7, 1989, a federal district judge enjoined enforcement of the policy because of vagueness).

It is said that identifying a malignant intent of the author of racially or religiously bigoted speech is unworkable. But proof of intent is a legal commonplace; it is an element of most crimes, libel suits, litigation addressing claims of racial or religious discrimination, and free speech challenges to removal of books from public school libraries. Even a dog knows the difference between a kick and an unwitting bump from his master!

It is said that if racially or bigoted speech is squelched, there will be no stopping point to prevention of genuine free speech. Nonsense! The progress of civilization has been the progress of making refinements and differentiations in the law. As Justice Oliver Wendell Holmes observed, all law depends on matters of degrees "as soon as it is civilized."

To search for a mechanism of public funding of the arts that is devoid of tacit expressions of government approval for the ideas promoted by grantees is a futile quest. In the public mind, the underwriter cannot be separated from the author. The U.S. Supreme Court has acknowledged that psychological phenomenon in declaring that government funding of religious institutions, even if limited to their secular endeavors, nevertheless frequently creates a prohibited appearance of state sponsorship of religion. See *School District of City of Grand Rapids v. Ball*, 473 U.S. 373 (1985).

Artists or scholars who receive government monies can easily exploit the financial tie to boost their ideas. Suppose a grantee authors a work that trumpets the asserted virtues of polygamy. He could thereafter proselytize that his ideas were sponsored and approved by the United States government, and thereby enhance his credibility. Grant recipients who lionized homosexual sodomy or hallucinogenic drugs might similarly claim the government as a votary of their viewpoints to fortify their acceptance in the marketplace.

The purposes of the First Amendment are undisturbed by government scrutiny of the artistic or scholastic ideas it promotes through subventions. Justice Brandeis delineated those purposes as four-fold in *Whitney v. California*, 247 U.S. 357 (1927) (concurring): to foster the discovery and spread of political truths; to make individuals free to develop their mental faculties; to make them happy by tolerating their ruminations and expressions; and, to avoid the hate and violence precipitated by censorship of ideas.

Curbs on government funding of particular ideological messages does not impair the quest for political truths. They leave undisturbed the right of all artists or scholars to challenge whatever orthodoxies they wish through private means. Indeed, their credibility may be enhanced by an absence of government financial ties. Their ideas may receive more rather than less attention (but not necessarily more acceptance) if denied government subsidies because public curiosity may be aroused by reasons assembled for the decision. Thus, *The Satanic Verses* achieved instant popularity when it ignited thundering opposition and death threats from the Government of Iran.

History proves that government subsidized ideas enjoy no special prowess in a free marketplace of ideas. Who believes the Communist Chinese prevarications regarding the Tiananmen massacre of Chinese student dissidents? Of course, government sponsorship does not necessarily taint credibility if a reputation for truth has been established, as with the BBC and the Voice of America.

The danger that government funded ideas will necessarily enjoy a competitive advantage over their unsubsidized rivals in the United States marketplace is virtually non-existent, especially because the subsidies are minuscule in proportion to the solely privately sourced propagation of ideas.

Neither do government restrictions on underwriting ideas constrict individuals from honing their mental faculties. They remain free to read, write, compose, and to deliberate without intrusion by government. Concededly, more hours might be devoted to these mental tasks and challenges if the government guaranteed a handsome stipend or funds to purchase newspapers, broadcast stations, or movie studios to all who desired to engage in cogitative or communicative endeavors. But the First Amendment has never been thought to require government to underwrite all who pine for greater personal cerebration or success in spreading ideas.

The individual fulfillment and enjoyment that stems from uncurbed ponderings and expositions of ideas is unthreatened by an absence of government funding. And, that absence will not breed the hate and violence associated with censorship because of the sweeping free speech protection in the First Amendment for opposing or unconventional viewpoints, including flag burning.

Politics and art inevitably intersect. Exemplary are Picasso's "Guernica" and "Peace Dove," Longfellow's "Paul Revere's Ride," Francis Scott Key's "Star Spangled Banner," Charles Dickens' *Oliver Twist* and *A Tale of Two Cities*, William Shakespeare's "Julius Caesar," Thomas Nast's political cartoons, and Pete Seeger's folk songs.

NEA thus should consider how proposed works of art might enrich and strengthen democratic norms and aspirations in awarding grants. That task is comparable to the school teacher who selects readings from Alexander Pope over *Hustler Magazine* in order to promote a mastery of the English language and a penetrating understanding of human nature.

V. ENFORCING NEA RESTRICTIONS

NEA is ill-suited to administering statutory funding restrictions because its expertise is art, not law. Thus, Congress should instruct NEA to obtain an affidavit from every grant applicant of an intent to adhere to the restrictions. A grantee who broke the promise would be subject to claims of restitution or damages in cases initiated by a United States Attorney, and be permanently barred from NEA funding. In such proceedings, the federal judiciary would adjudicate the merits, including the question of whether any of the statutory curbs on art were unconstitutional. This enforcement procedure obviates the potential of NEA bureaucratic censorship through misapplication of legal standards or through lead-footed decisionmaking. And, it leaves final authoritative interpretation of the First Amendment where it belongs: the contemplative chambers of the U.S. Supreme Court.

Senator PELL. Thank you very much.

I would observe that that letter from George Washington was sent to a synagogue congregation in my home city of Newport. I am glad you brought it up here.

Mr. Bollinger.

Mr. BOLLINGER. Thank you.

I am testifying on the First Amendment and public policy but, of course, primarily on the First Amendment. I am testifying as an individual and not on behalf of my institution. I will not cite cases, I am not going to cite Law Review articles. What I will try to do is give you my sense of where the First Amendment stands on the question of the limitations that Congress can impose on a subsidy program like the NEA.

I have to say right at the beginning that I think it a difficult question. I do not think it is easy. I do not think there are cases that clearly give an answer to the problem that you are trying to focus on.

Essentially, my position would be quite different from that of Mr. Fein. I think the government can use a standard of trying to give grants to artists on the basis of artistic excellence or on quality, or to try to have a wider distribution geographically of art, but I think it would be a mistake and inconsistent with the First Amendment to add another substantive limitation that went beyond the standard First Amendment exceptions like obscenity, and I will try to explain why very briefly.

If you look at the problem in terms of the First Amendment tradition and in terms of the cases, some things I think are fairly clear. You need not give grants to any speech that is unprotected by the First Amendment. The Congress and the Government is entirely free to avoid giving any money to things that are obscene or libelous within the constitutional definition.

On the other hand, in contrast to what Mr. Fein said, I think you cannot say that simply because this is a subsidy system, therefore it is completely exempt from the First Amendment. You could not give, I think, grants under the First Amendment simply to those individual artists who were liberal or who were pro-abortion or against abortion. You could not have a very particular viewpoint criteria like that.

On the other hand, even though this is a distribution of public resources, I think the Constitution will not require that the resources be distributed on a first-come, first-served basis to any artist or anybody who claims to be an artist who applies. That may sound ridiculous and self-evident, but, in fact, the public forum cases do require basically a first-come, first-served allocation system, so if a city or a government sets up a city park, we know that it cannot make basically any content distinctions on quality or otherwise.

I do not think that those cases will apply to a program like this. That really leaves a quality standard and I think that will be allowed under the First Amendment. We have all kinds of examples of State institutions that function on the basis of quality. My own institution, the University of Michigan Law School, does exactly that. It is a public institution, we hire and promote and tenure on the basis of the quality of the scholarship and teaching of the individual.

The question then is what does quality include, and here I think it is fair to say that quality does include some review of ideas. I think it is not a contentless base analysis.

Very quickly, I think that when one decides that you will give funds or a position on a faculty in order to promote diversity, for example, diversity of viewpoints, you are making a content judgment and that is permissible.

You may also decide that some ideas, some areas of research, some areas of artistic activity are more important to the society than others and more in need of research, and you may give positions and grants on that basis. But I think you cannot go the distance of saying, simply because somebody is making a stand against affirmative action, that, therefore, we will not give that person a position or we will not give the person a grant. So, there is some line, but it is a very difficult line to draw.

I think if you introduce into the NEA a proposal or an amendment that says that you will not give grants to speech that is offensive or to certain categories of speech, like homoerotic speech, you have violated the line, you have crossed over from making a reasonable content distinction under the First Amendment to making an unreasonable one.

Let me just say, in conclusion, three things: One, I think it is very important for everybody to try to identify the reasons why there is tremendous latitude under the First Amendment for all kinds of speech, including terrible, horrible speech, racist speech, Nazi speech, indecent speech. It is all protected by the First Amendment. That is part of our tradition, but it is very important to be able to explain why. It is very difficult and it is almost ironic that it is easier to explain why that speech be prohibited than why it should be protected, but that is critical.

Second, you must not allow the idea that to subsidize or support or allow such speech is to condone it. That is an argument Mr. Fein has made and I thoroughly disagree with it. It is exactly that argument that has been made countless times under the First Amendment and rejected.

If that argument is allowed to persuade, then we basically have not widespread tolerance in the country, as we do now, but a very narrow tolerance.

Finally, I would say that the government really must set the model here. It is not the government to respond to certain people who might claim that there should be a narrow funding, very tight funding, it should do just the opposite. It should set a model of widespread tolerance, because that is the proper role of both the court and the Constitution and I think the Congress.

Thank you.

[The prepared statement of Mr. Bollinger follows:]

PREPARED STATEMENT OF LEE C. BOLLINGER

These hearings on the reauthorization of the National Endowment for the Arts, and the various attempts to place limits on the grant-making authority of the Endowment, raise issues both of constitutional (or first amendment) law and of public policy. In this brief statement, I will try to address both. But I should stress in advance that my views about the policy issues are deeply informed by my understanding of the values underlying the first amendment itself, That is, I believe, how it should be. For the first amendment is more than just a set of constitutional limitations on governmental policy-making; the first amendment embodies and reflects a more general social commitment to several profoundly important and vital principles.

Among those principles I take to be the value of a tolerance: a generous, and even overgenerous, tolerance, a tolerance (in Holmes' words) for the speech we hate as well as for the speech we like. Out of that principle of generous tolerance, it is hoped, will come several advantages: a better chance at reaching truth and insight; a life that is fuller and richer because it possesses the possibility of moral choice; the capacity to compromise and live with difference in a political society in which compromise and living with difference are everyday needs; and a further capacity to be appropriately restrained in dealing with socially deviant behavior. To be sure, not all of these potential advantages of a principle of generous tolerance of expression necessarily apply to the context of art subsidies, but enough plainly do to warrant our careful attention.

Let me turn first to the first amendment issues. I cannot do full justice to the problems in the limited space and time I have here. But I can try as best I can to frame the issues as I see them. I would begin by observing the obvious, that that speech which is not protected by the first amendment can be freely excluded from the system of art subsidies. Therefore, it is not a constitutional violation to refuse to award grants to art that is obscene, provided that the statutory definition of "obscenity" tracks the constitutional definition. The same is true for art that might be libelous and therefore beyond constitutional protection under the Supreme Court cases, or for art that (by some chance) poses a clear and present danger to some very significant governmental interest. Though these classic exceptions to the first amendment are notoriously difficult to define with any precision, they are nonetheless vital exceptions and there is no reason whatsoever to think that they would not apply to the grant-making stage just as they apply to the censorship stage.

On the other hand, it seems to me equally certain that an art subsidy program, such as the National Endowment for the Arts, could not, consistent with the first amendment, award grants only to those artists who pledged to vote Republican, or who vowed not to create art that would embarrass or undermine the existing government. In other words, I believe it a fair interpretation of the first amendment tradition to conclude that a government subsidy program is not entirely free of first amendment law. The matter is not free of difficulty, however, for it must be admitted that there are all kinds of government sponsored activities, involving expression, where the government imposes very strict content controls and does so, I assume, with the full blessing of the first amendment. If the government contracted with an artist to create a painting or sculpture that would grace the walls or the lawn of the White House, it seems to me incontestable that the government could include in its contract with the artist severe content controls, including a clause that the art not embarrass or criticize the President. Similarly, there are all kinds of government sponsored publications the contents of which are carefully, and, constitutionally speaking, quite appropriately, controlled by the government.

But, even though there are, I believe, first amendment limits on the standards that can be employed to distribute subsidies under a program like the NEA, those limits do not approximate the limits imposed on the use of some government property, such as the public streets or parks and other so-called public fora. In those areas of public property, the Supreme Court has established a long line of precedent calling for a largely content-less standard of allocation among speakers. If the state chooses to make a public park open to speech, it must, accordingly, make it available to all speakers, roughly on a first-come-first served basis. Few would say, however, that the same is true of a public program of grants to the arts, Just as few would say that the walls of our public museums must be open to all who wish to hang their art, regardless of how good the museum administrators think their art is.

Nearly everyone will, therefore, accept the proposition that the government can if it chooses subsidize artistic activities on a principle of artistic quality, or on a principle of making quality art more available to citizens throughout the country. Some would claim that such a system of allocation would not involve substantive evaluations, or evaluations of "political" content. To be sure, the content evaluations involved in a "quality" standard seem more attenuated than the ones mentioned earlier (such as the requirement that the art not "embarrass the government"). But content evaluation seems inevitable nonetheless. If a grant is given to a minority artist because it is believed that he or she has a special and unique perspective that will be possibly beneficial for the society to have, a judgment about content has just been made.

I do believe that is a constitutional choice open to the government, but I also believe the matter very quickly gets uncomfortably problematic. Suppose a gifted artist has some anti-semitic strains to his or her work, or a worrisome tendency to display women in degrading contexts. The government officials who administer the grant program will be, and quite properly, reluctant to use public funds to support activities that injure Jews, or women, and the society as a whole. But are they compelled, by the first amendment, to support the artist nonetheless? Of course it will always be possible to claim that the artist lacked "artistic excellence," and try to dispose of it that way. But sometimes that will only be a mask for a deeper judgment that the "content" of the work is objectionable.

The difficulty cannot be solved by saying simply that the government should not be compel led to support views with which it is in fundamental disagreement and which most of the society, perhaps quite properly, regards as morally objectionable. To support such views, the argument would continue, would be to condone or to appear indifferent to them, and the government should not be put in that position. But this kind of argument is routinely rejected in first amendment decisions. In the public forum cases, for example, the government is forced by the first amendment to permit all kinds of highly objectionable speech, in spite of the risk that the government, or the society, will suffer the costs of appearing to support or approve that speech. The first amendment, as it were, intervenes to secure greater values; and, ironically, by demanding toleration there is also the coincidental effect of lessening the appearance of approval or condonation.

Still, the problem of figuring out what is the proper alignment of the first amendment doctrine for a system of subsidies for the arts is not easy. No case points definitively at the answer to the question posed a moment ago, which is whether the government possesses greater leeway to refuse to subsidize highly of offensive—but not otherwise unprotected—speech.

Without being able here to isolate all the reasons why I reach this conclusion, I am inclined to advise that the best approach for the Congress is to work from the premise that the first amendment insists that a subsidy program like the NEA hew very closely to the standard of promoting artistic quality or excellence. I say that recognizing that in actual operation such a standard (as I indicated a moment ago) is very likely to result in the de facto exclusion of some fine artistic expression because it is offensive. That may or may not be a good result depending on the particular speech excluded and the reasons one accepts for protecting even offensive expression. But I simply note here the reality that a "quality" standard is bound to be difficult if not impossible to penetrate to get at the real reasons for decisions.

The only viable alternative for a program like the NEA is to interpret the first amendment as permitting some speech to be excluded from the grant system because it is offensive. Again, it is important to recognize that there are many good reasons for protecting even very offensive speech, but one that is well known and well to keep in mind at all times is that such a standard may not always be applied by individuals sensitive to first amendment values, with the unfortunate result that much valuable and otherwise protected expression will be denied support over the years. And there will be an unhappy (from a first amendment standpoint) incentive to be crabbed and narrow in the administration of the subsidy program.

That cost strikes me as great and, since I think it fair to assume that the problem of offensive art cases will in fact arise very infrequently and will often be just as effectively handled through a "quality" standard, the first amendment would seem to me rather strongly to prefer a simple quality standard.

As a policy matter I feel all the more strongly that a quality standard should be the exclusive guide to administering a public grant program for the arts. In thinking about how to structure a grant-to-art program, it is useful to bear in mind, as an analogy, the way in which we structure colleges and universities throughout this country. There, where knowledge is sought, we have acted on the principle that wide toleration of ideas and ways of thinking will yield the better results. We do not abandon the general system of tenure and academic freedom whenever a professor happens to turn offensive. We do not abandon that principle whenever we discover that our expectations for a particular professor are unfulfilled. For we know, just as we know through the first amendment, that you must examine a system as a whole. To isolate one's attention on any single event or individual within the system is to risk having one's judgment about the total worth of the system skewed by neglecting the values and costs of the larger picture.

Surely art must be seen in the same light. When we seek illumination through art, we must be prepared to live with what we do not fully understand, with what we sometimes dislike, and with what we sometimes even find offensive. History surely shows that great art can survive even rigid censorship. But our commitment should be to the idea that more great art will flower in a tolerant environment. Just as it is unwise to always ask the scientist what are the practical benefits of his or her research, and especially so when you want practical benefits, so it is unwise to always ask similar questions of artists.

I would conclude by observing that what I am recommending seems to me all the more important precisely because it is a governmental program we are discussing. The virtue of tolerance is not easy to come by, and the government has a critical role to play in setting an example of strong commitment. I hope it does so in reauthorizing the National Endowment for the Arts.

Senator **Pell**. Thank you very much, Mr. Bollinger.

Mr. Showers.

Mr. **Showers**. Chairman Pell, distinguished Senators, I am pleased to be here to address you on a limited number of issues which you have asked me to address you on.

As a former Federal prosecutor and the first Director of the National Obscenity and Child Exploitation Task Force in the Department of Justice, and the primary author of the administration's Child Protection and Obscenity Enforcement Act of 1988, which was before the Senate a year or two ago, I bring my practical expertise, as well as First Amendment expertise, to talk about two primary issues.

First, what is the law against adult obscenity, child pornography, and pornographic material which is deemed harmful to minors; and, two, how are these laws enforced by Federal and, indeed, State officials across country, which I believe, as I have been asked, they will have some relevance to the discussion on the NEA funding.

First, as prosecutors, we found that obscenity is basically—and I will put it in a layman's definition, because this is what we found—is simply rape, prostitution and exploitation in pictures and in progress. That is what is on the market out there today, and child pornography is only child sexual abuse permanently recorded to haunt the child victims for the rest of their lives. You have seen the examples of that across the country and I need not bring them to your attention.

The *Miller v. California* definition, which has been workable—I guess I would disagree with some people who say that it has not been workable—it has been workable to prosecutors and juries across the land. In fact, I have included the increase in Federal prosecutions in my statement and, in fact, I would say that the Federal prosecutions to date have not lost a case in those regards. In most of the States, they are having very high conviction rates, in fact, much higher than, say, rape or child molestation conviction rates, so it is a workable standard.

What is that standard? Well, that standard, as you know, is simply three-fold in *Miller v. California*: It is, one, whether the work taken as a whole appeals to the prurient interests in sex; two, whether the work depicts or describes patently offensive sexual conduct as listed, generally in State law and is listed in the Federal constitutional interpretation before the U.S. Supreme Court; and, three, whether the work taken as a whole lacks serious literary, artistic, political or scientific value.

How that is implemented by juries is simply this: Whether the work contains ultimate sexual acts of anal-oral-vaginal intercourse, sex with animals, sexual violence, masturbation, nude exhibition of the genitals, those kinds of conduct, whether the material contains that and whether it contains it substantially throughout the material such that it lacks serious value. That is how juries look at the standard and they ask themselves is this acceptable in our communities.

Second is, when you are talking about child pornography, you do not even have to talk about a community standard. It is very simple. It is a three-fold test, again, under *Ferber v. New York,* it is whether it involves a visual depiction of a minor, which in most States is under the age of 18, involved or engaged in sexually explicit conduct. Again, those are very specifically listed.

The third point about pornographic material harmful to minors, the reason I address that is that many people have asked what about that as a standard, how is that workable. We you know, that standard was first enunciated in Ginsburg in 1968 and it basically is a variable obscenity test. It simply directs the obscenity test as toward children. So you would ask does it appeal to the prurient interests of children, is it patently offensive to children, does it lack serious value to children. Again, that has been a very workable standards, 48 States have that standard and it is workable.

The question I know that has been raised is how would this work in a community standard, how would you apply the community standard. Well, one of the ways that it could be applied is simply to focus on, as I said, the kind of sexual conduct and to see that, if it is substantially drafted material, and ask one's self, the people who would see these exhibits, see these works of art, that is the community. It is almost like the broadcast medium. That is the community they use, the broadcast medium is the community, and would they find that unacceptable.

Again, community standards is not an element of the obscenity test. It is simply a reference point, so that you do not use your personal preference or you do not use the most tolerant or least tolerant person to decide what is obscene. Again, I think that would be the appropriate way to look at it. Child pornography needs no community standard. It is very simple and straightforward.

On that basis, I believe I would conclude that, as to obscenity, as to child pornography, and even as to pornographic materials that are deemed harmful to minors, they are illegal throughout the country. There are laws against it. I guess I would agree with the Dean in this regard. Those I think could be limitations, as they have been limitations throughout our country's history, as to what is acceptable and what is not.

Are they workable? They are workable, they have been workable both in juries and with prosecutors who understand what the tests are. And third, I think the community standards concern that this committee I know has been grappling with and others have been grappling with, child pornography is not a concern and, really, when the material is focused on, I think that concern will also evaporate.

As I said, obscenity and child pornography in our land is far past the line today.

Thank you.

[The prepared statement of Mr. Showers follows:]

PREPARED STATEMENT OF H. ROBERT SHOWERS

At the request of Chairman Pell and your subcommittee, I am here today to address two primary issues:

1. What is the law against adult obscenity, child pornography and pornographic material which is deemed harmful to minors; and
2. How are these laws enforced by federal and state officials across the nation.

As I understand it, these issues will have direct relevance to provisions which propose funding limitations for the National Endowment of the Arts and Humanities ("NEA") to fund projects which are not considered arguably "obscene or child pornographic." [1] I am also told that implementation of such standards are in question since some believe that the definitions contained in such laws against obscenity or child pornography are too vague and unworkable to be applied by the federal government on a nationwide basis.

I. OBSCENITY LAWS.

As you are aware, the vast majority of states and the federal government have laws against production, distribution and sale of adult obscenity. Obscenity, like libel, slander, and speech which constitutes conspiracy and perjury, is a category of expression which have never been protected under the Constitution or the First Amendment.[2] The modern origin of the principle that certain types of sexual expression are entitled to little or no First Amendment protection arose in the court decision of *Chanlinsky v. New Hampshire* [3] as follows:

> There are certain well defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These included the lewd and obscene, the profane, the libelous, and the insulting or fighting words—those which by their very utterance inflict injury or tend to insight an immediate breach of the peace. It has been well observed that such utterances are not essential parts of any exposition of ideas and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

Id. at 571–72 (emphasis added).

However, all pornography is not obscenity and thus illegal. Pornography is generally defined as "that material which is sexually explicit and is intended primarily for the arousal of the reader or viewer." [4] This definition can include illegal categories of pornography, such as: (1) obscenity; (2) broadcast and telephone indecency; (3) material harmful to minors; and (4) child pornography; as well as the legal categories of nonobscene pornography. In 1973, the Supreme Court handed down eight (8) obscenity decisions including the landmark case of *Miller v. California* which gave us the legal definition of what was obscene, and thus illegal. While pornography is the broad, generic term referring to all sexually oriented materials intended to arouse the reader or viewer, illegal obscenity, commonly called hard-core pornography, is strictly defined as:

> 1. Whether the work, taken as a whole appealed to a prurient interest in sex (i.e., was directed towards an unhealthy, abnormal, morbid, or shameful interest in sex);
> 2. Whether the work depicts or describes in a patently offensive way sexual conduct such as ultimate sex acts (anal, oral, or vaginal), sex with animals, sexual violence, masturbation, and lewd exhibition of the genitals; and
> 3. Whether the work taken as a whole lacks serious literary, artistic, political or scientific value.

This three part obscenity test is applied by juries according to local community standards of what is acceptable in the community where the criminal case is tried. Obscenity and child pornography are outright prohibited to anybody, while material which is harmful to minors and indecent telephone and broadcast messages are illegal only when disseminated or displayed to children under the age of eighteen (18).

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[1] (A) None of the funds authorized to be appropriated for the National Endowment for the Arts or the National Endowment for the Humanities may be used to promote, disseminate, or produce materials which in the judgment of the National Endowment of the Arts or National Endowment for the Humanities may be considered obscene, including but not limited to, depictions of sadomasochism, homo-eroticism, the sexual exploitation of children, or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific value.

[2] As early as 1711, the American colonies followed England in making sexual indecency and obscene libel a crime with 13 out of the 14 original states having such laws at the time the Constitution was written and passed. H. Titus, United States Supreme Court and Obscenity: Reversed and Remanded in Pornography: Solutions Through Law, 69, 78–79 (1985); Currin, Regulation of Pornography, 21 Wake Forest Law Review 263, 265–269 (1986). Given this backdrop it is understandable that the United States concluded in *Roth v. United States*, 354 U.S. 476 (1957) concluded: "There is sufficiently contemporaneous evidence to show that obscenity . . . was outside the protection intended for speech and press at the time during which the First Amendment was written." *Id.* at 481. *See e.g. Chanlinsky v. New Hampshire*, 315 U.S. 568, 561–72 (1942).

[3] 315 U.S. 568 (1942).

[4] 1 Attorney General Commission on Pornography, Final Report, 229 (1986).

Obscenity laws can apply to any medium of visual or print communications, including videos, movies, books, magazines, cable vision, television, and telephone recordings. Under 18 U.S.C. 1461 *et seq.*, the federal government has laws against production and interstate shipment, sale, receipt, broadcasting, cablecasting or mailing obscenity (See Attachment A). As of 1984, the Racketeering laws under 18 U.S.C. 1961 *et seq.* now list obscenity as a predicate act to RICO which triggers forfeiture of assets and increased penalties against the regional and national distributors and producers of hard-core pornography. While an interstate nexus is required for federal law, state laws also prohibit interstate production, distribution, sale, receipt and dissemination in any form of obscene material.

As you know, Congress recently gave federal prosecutors several powerful new weapons in their arsenal against obscenity with the passage of the Child Protection and Obscenity Enforcement Act of 1988 which added, among other things, child pornography as a predicate to RICO, criminal laws against computer child pornography and related information, a civil remedy for personal injuries for any child victim from the production of child pornography, criminal laws against cablecasting satellite transmission, and telephone communication of obscene messages and possession with the intent to sell or receipt of obscene material.

While some defense attorneys and constitutional experts have called the obscenity definition vague and unworkable, juries for many years have successfully utilized the *Miller v. California* definition to find whether particular materials are obscene. In doing so, the juries focus first on the objective standards of the test being whether the sexual conduct described above is contained in the material and second, whether such depictions or descriptions are contained substantially throughout such that it lacks serious value. While the subjective standards of "patent offensiveness" and "prurient interest" are debated and confused at length by defense attorneys who bring in experts to testify about public opinion polls and comparable materials, the legal standards are fairly clear.

"Prurient interest," which may not be in most people's vocabulary, is simply a question of whether the material or work is directed toward an unhealthy, abnormal, morbid or shameful interest in sex. "Patently offensive" simply means whether the sexual conduct is depicted or described in a manner that is unacceptable or offensive to the average person of the community. While "community standards" is not an element of the crime of obscenity, the Supreme Court has placed "contemporary community standards" as a reference point for decision makers to avoid using their own personal preference or that of the most tolerant or the least tolerant to decide what appeals to the prurient interest and what is patently offensive.[5] The serious value prong, however, is not determined by the application of community standards, but rather by a reasonable person test.[6]

Initially, "the average person applying contemporary community standards" prong was incorporated into the obscenity test merely as a frame of reference to insure that the fact finder did not employ his own personal standards or the standards of particularly susceptible group as *Regina v. Hicklin*, 3 L.R.Q.B. 360 (1868) originally required.[7] Later the Court elaborated that implicit in its reasoning in *Miller* was a concept that jurors will apply the standards of the community from which the jury pool is drawn.[8] Moreover, under the community standard application, the decision maker can easily draw on their own common sense and knowledge of the community in determining whether material is acceptable to the average person:

> A juror is entitled to draw upon his own knowledge of the views of the average person in the community or vicinity from which he comes for making the required determination, just as he is entitled to draw on his knowledge of the propensity of a "reasonable person" in other areas of the law.

Hamling, 418 U.S. at 104–05.

Thus, any question about the necessity of experts to prove community standards was supposed to be removed by *Miller, Hamling*, and *Jenkins* and the difficulties, burdens, costs and lengthy obscenity trials were intended to largely disappear since decision makers needed no expert advise to "assist the jurors in understanding the standards of their community." B. Bull, *Preparation and Trial Obscenity Case*, 113–123 (1988).

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[5] *Miller v. California*, 413 U.S. at 33; *Roth v. United States*, 354 U.S. at 488–489.

[6] *Smith v. United States*, 431 U.S. 291, 301 (1977); *Pope v. Illinois*, 107 S. Ct. 1981 (1987).

[7] *See Michelin v. New York*, 383 U.S. 503 (5089, 1966);*U.S. v. Hamling*, 418 U.S. 87, 107 (1974); and *Miller v. California*, 413 U.S. 1, 33 (1973).

[8] *Jenkins v. Georgia*, 418 U.S. 13, 157 (1974); see also *Smith v. United States*, 431 U.S. 291, 302–303 (1977).

Since utilizing a local community standard may be problematic when determining materials which will be distributed on a nationwide basis, the standards to be workable for NEA purposes, may need to be adjusted somewhat to comprise the "average person who will see or read the work in the literary and art communities." Many factors should be considered when considering what standard to use in adjudicating whether a work could be considered obscene to the art or literary community. First, it is noteworthy that such a regulation would not be criminal or punitive in nature, and thus it will be constitutionally permitted to have a relaxed standard of application. Second, such a "national" standard has been used in the broadcast medium in *Pacifica v. FCC*, where the Court adopted its present generic definition of indecency:

> Language or material that, in context, depicts or describes, in terms patently offensive as measured *by contemporary community standards for the broadcast medium*, sexual or excretory activities or organs.

Pacifica, 438 U.S. 726 at 749–50 (1976); *see Notice of Inquiry*, Nov. 20, 1989 at 3 (emphasis added).

Third, the standard of probable cause, rather than beyond a reasonable doubt, should be applied as presently is done by grand juries, judges and prosecutors in determining whether distribution of obscene materials is an indictable offense and whether the individuals involved should be arrested and tried before a jury. Thus, if Congress decides to restrict NEA funding as proposed, NEA officials should ask the following question—whether there is evidence to believe that work is probably obscene (i.e., does the proposed work contain patently offensive sexual conduct substantially throughout the work so that it lacks serious value), using as the reference point an average person who would view or read such work or material. As you probably know, obscenity prosecutions in recent years on both the federal and state levels have dramatically increased with a concomitant high rate of convictions being obtained under this standard by federal prosecutors.[9]

Obscenity Prosecutions

	1983	1986	1987	1988	1989
Obscenity	0	10	80	37	120
Child Exploitation	3	147	249	150	255

II. CHILD PORNOGRAPHY.

Production, distribution, duplication, use and consumption of child pornography is an extremely serious problem in every state in America. Several pedophile organizations which advocate "consensual" adult sexual relations with children and who have mottoes, such as "sex before eight or it's too late" have been established throughout the United States in the last twenty year. Federal legislation, such as the "Child Protection Act of 1984" and the "Child Protection Obscenity Enforcement Act of 1988" and state legislation have significantly strengthened laws against child pornography to stop its spread and the related molestation and child sex rings which surround child pornography.

A landmark Supreme Court case, *New York v. Ferber*, recently held that sexually explicit materials involving children under the age of eighteen (18) did not have to be legally obscene or violate all three prongs of the *Miller* test to be unlawful. 458 U.S. 747 (1982). Moreover, such material does not have to be taken as a whole since even one picture or scene of a child engaged in sexual activity in a film or magazine is exploitation of a child and frozen in time forever by the picture or scene. Thus, any visual depiction of a child engaged in sexual activity would be prohibited.

Sexual activity, under both federal and state law, includes the following acts: (1) vaginal, anal or oral intercourse, actual or simulated whether done with another person or an animal; (2) masturbation, whether done alone or with another animal or human; (3) physical contact with or touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast in an act of apparent sexual stimulation or abuse; (4) sado-masochistic abuse, including actual or simulated flagellation torture, physical restraint, domination or subordination by or upon a person for the purpose of sexual gratification of either person; (5) insertion of any part of a person's body or any object into another person's anus or vagina, except when done as a part of a recognized medical procedure by a licensed professional; (6) excretory functions; and (7) lascivious exhibition of the genitals or pubic area of any person.

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[9] —See table above.

As recent as last week in *Osborne v. Ohio*, 88-5986 (April 18, 1990) the U.S. Supreme Court has upheld the constitutionality of this definition. In *Osborne*, the Court went one step further by criminalizing the mere possession of child pornography due to the multiple, extensive harms to children from its use and possession. While many people have claimed that "lascivious exhibition of genitals" is substantially overbroad or vague since it could include an innocent picture of a parent's infant taken while the infant was unclothed, the courts have construed such language as including only nude photographs of minors which involve a graphic focus on the genitalia, or present the child in a sexually provocative manner, such as constitutes a lewd exhibition. *Osborne* at 7-9; *see Ferber*, 458 U.S. at 771-774.

Since the subjective standards in obscenity, such as "patently offensive" and "appeal to prurient interest" are not involved in a determination of child pornography, it should be relatively easy for a fact finder on a nationwide basis to determine whether the material is a visual depiction of a minor under the age of eighteen (18) involved in sexually explicit activity as listed above. Again, only a probable cause determination of whether the work was child pornographic should be required when making a funding decision.

III. PORNOGRAPHIC MATERIAL HARMFUL TO MINORS.

While presently the language in Title 3, General Provisions, does not include pornographic material harmful to minors, many have suggested including the category of illegal pornography as another limitation. Since this Subcommittee may consider adding such a limitation in light of the significant potential harm to children from disseminating and displaying such material, I will discuss its definition and application. This concept of "variable obscenity" primarily rises out of society's concern of the harm of pornography to minors. In the landmark case on pornographic material which is deemed harmful to minors, the Court held that it is constitutional to proscribe the sale of non-obscene pornography to minors since the state has a compelling interest in protecting the welfare of children and insuring that they are safeguarded from the abuses which might prevent their growth into free and independent, well-developed citizens. *Ginsberg v. New York*, 390 U.S. 629, 642-643 (1968). While *Ginsberg* is the seminal case for laws regulating pornographic material deemed harmful to minors, sometimes referred to as "variable obscenity," a recent Supreme Court case lends insight into what the Court will find constitutionally permissive in this area.[10]

State laws which proscribe pornographic material deemed harmful to minors defined such material as "the quality of representation of nudity and sexual conduct" which: (1) predominantly appeals to prurient, shameful or morbid interest of minors; (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and (3) lacks serious literary, artistic, political or scientific value for minors. *M.S. News Company v. Casada*, 721 F.2d 1281 (10th Cir. 1983).

I have enclosed a recent summary of the forty eight (48) states which presently have laws against the display and dissemination of pornographic material which is deemed harmful to minors as Attachment B. While Ginsberg dealt only with the dissemination of pornographic material which is deemed harmful to minors as Attachment B. While *Ginsberg* dealt only with the sale of harmful pornographic materials to children, lower courts have extended *Ginsberg* to support prohibitions on the display of such materials where children are present.[11]

The present definition of material which is harmful to minors is any depiction or description of sexually explicitly nudity, sexual activity that meets the *Miller v. California* three prong test as applied to minors. "Sexual activity" means any of the following acts: (1) vaginal, anal or oral intercourse, actual or simulated, whether done with another person or animal; (2) masturbation, whether done alone or with another person or animal; (3) physical contact with or touching of a person's clothed or unclothed genitals, pubic area, buttocks or breasts in an act of apparent sexual stimulation or abuse; (4) sadomasochistic abuse, including actual or simulated flagellation, torture, physical restraint, domination or subordination, by or upon a person for the purpose of sexual gratification of any person; (5) insertion of any part of a person's body or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure by a licensed professional; (6) excretory functions in a sexual context; and (7) lascivious exhibition of the genitals or pubic area of any person. Any nudity must be sexually explicit and graphic in nature to be prohibited under the laws against pornographic material which are deemed harmful to minors. Since minors are a nationwide group, the same community standard consideration discussed in the obscenity section will apply here. While controversial, a limitation on funding pornographic material deemed harmful to minors should also prove workable for NEA.

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[10] *See Virginia v. American Booksellers, Inc.*, 108 S. Ct. 636 (1988), remanded and certified with questions, 372 S E.2d 618 Va. (1988).

[11] *See also American Booksellers, Inc. v. Webb*, 254 Ga. 399 (329 S E.2d 495) (1985); *American Booksellers, Inc. v. Randell*, 332 Pa. Supp. 537, 481 A2d 1919 (Pa. Supp. Ct. 1984); and *M.S. News Company v. Casada*, 721 F.2d 1281 (10th Cir. 1983).

CONCLUSION

Since the proposed limitation on NEA funding is simply a limitation on taxpayer dollars supporting any works or materials where there is probable cause to believe they may be illegal, i.e. obscene child pornographic, or pornographic material deemed harmful to minors, it is inconceivable how such restriction could not pass constitutional muster. Moreover, the definitions which have worked well for decision makers at the Federal Communications Commission and Department of Justice and for juries nationwide should also prove workable for NEA funding considerations, of Congress decides to place such limitations on funding.

ATTACHMENT A

OUTLINE OF FEDERAL OBSCENITY, CHILD PORNOGRAPHY INDECENCY AND PROSTITUTION CRIMES

1. *18 U.S.C. § 1460. Possession with intent to sell and sale of obscene matter on federal property.
A. Whoever knowingly;
B. Sells or possess with intent to sell;
C. Obscene visual depictions or child pornography;
D. On federal property;
E. Shall be fined $250,000 or two (2) years in prison or both.
2. 18 U.S.C. § 1461. Mailing obscene matter.
A. Whoever knowingly;
B. Uses the mail, or takes from the mail for circulation;
C. Any obscene, matter, device, or substance;
D. Shall be fined up to $5,000 and imprisoned for five years for the first offense, and up to $10,000 and ten years for each offense thereafter.[1]
3. 18 U.S.C. § 1462. Importation or transportation of obscene matters.
A. Whoever brings into the U.S., any place subject to the jurisdiction thereof; or
B. Knowingly uses any express company or other common carrier;
C. For carriage in interstate or foreign commerce;
D. Any obscene matter; or
E. Knowingly takes such obscene matter from an express company or common carrier;
F. Shall be fined up to $5,000 and imprisoned for five years for the first offense, and up to $10,000 and ten years for each offense thereafter.[1]
4. 18 U.S.C. § 1463. Mailing indecent matter on wrappers or envelopes.
A. Whoever knowingly;
B. Mails, or takes from the mail for the purpose of circulation;
C. Any material, the envelope or cover upon which is written or printed obscene language;
D. Shall be fined up to $5,000 and imprisoned up to five years.[1]
5. 18 U.S.C. § 1464. Broadcasting obscene language.
A. Whoever utters;
B. Obscene, indecent, or profane language;
C. By television or radio communication;
D. Shall be fined up to $10,000, and imprisoned up to two years.[1]

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[1] All fines are subject to enhancement of $250,000 for individuals; and $1,000,000 for corporations.

* New section or amendment from Child Protection and Obscenity Enforcement Act of 1988.

COMMENT: Per FCC order of December 21, 1988 and federal law, Pub. L. No. 100–459 effective January 31, 1989, the Commission will enforce this section on a twenty four (24) hour basis.

6. 18 U.S.C. § 1465. Transportation of obscene matters for sale or distribution.

A. Whoever knowingly;

B. Transports in interstate or foreign commerce or uses a "facility or means" of interstate commerce;

C. For the purpose of sale or distribution;

D. Obscene material;

E. Shall be fined up to $5,000 and five years.[1]

7. *18 U.S.C. § 1466. Receipt or possession with intent to sell obscene matter.

A. Whoever is engaged in the business of selling obscenity (two or more copies of one publication or five or more total copies of all publications creates a presumption that the person is "in the business");

B. Knowingly;

C. Receives or possesses with intent to distribute;'

D. Obscene matter;

E. Shall be fined $250,000 and/or five years imprisonment.

8. *18 U.S.C. § 1467. Criminal forfeiture for obscenity offenses.

A. Upon conviction of an obscenity offense under 14 U.S.C. § § 1461–1466

B. Shall forfeit the following property: (1) Obscene material; (2) Real or personal property traceable to gross profits from crime; (3) Any property used or intended to be used to commit or promote commission of a crime but the amount of property to be forfeited is subject to the Court's discretion based on proportionality of property versus money from crime.

C. Pre-trial restraining or seizure order permitted;

D. Beyond reasonable doubt determination must be made that property subject to forfeiture;

E. Innocent third parties may intervene to stop forfeiture order.

9. *18 U.S.C. § 1468. Distributing obscene material by cable and subscription television.

A. Knowingly utters or distributes by any means;

B. Obscene matter;

C. By cable or subscription television services;

D. Two years imprisonment and/or $250,000 fine.

COMMENT: Offense covers both national programmer and local cablecasters or subscription television providers. Also provides that federal law will not preempt state or local prohibition of indecent or harmful to minor material being shown.

10. *18 U.S.C. § 1469. Presumption of interstate commerce.

A. If obscene matter was produced or manufactured in one state and subsequently found in another state, a rebuttable presumption is created that the material was transported, shipped or carried in interstate commerce;

B. If obscene matter was produced or manufactured outside the United States and subsequently found in the United States, a rebuttable presumption is created that the material was transported, shipped or carried in foreign commerce.

11. 18 U.S.C. § 1735. Sexually oriented advertisements.

A. Willfully;

B. Uses the mail for the mailing, carriage, or delivery of;

C. Any sexually oriented advertisement in violation 'of section 3010 of title 39;

D. Shall be fined up to $5,000 and imprisoned up to five years for a first offense, and up to $10,000 and ten years for subsequent offenses. 11

COMMENT: Section 3010 of title 39 provides that warnings advising the nature of the content shall be placed on the outside cover or envelope of sexually oriented advertisements, and provides for a postal "list" upon which postal customers can place their names if they do not wish to receive such advertisements. A customer places his name on this list by filing "Form 2201" with the Postal Service.

12. 18. U.S.C. § 1737. Manufacturer of sexually related mail matter.

A. Whoever shall print, reproduce, or manufacture;

B. Sexually related mail matter;

C. Intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of Section 3008 or 3010 of title 39;

D. Shall be fined up to $5,000 and imprisoned up to five years for the first offense, and up to $10,000 and ten years for subsequent offenses.

COMMENT: Section 3008 of title 39 provides for the issuance of "prohibitory orders" by the Postal Service. These are orders directed to a specific company, directing that sexually oriented advertisements not again be sent by that company to named individuals and addresses. A prohibitory order is obtained by filing "Form 2150" with the Postal Service.

13. 19 U.S.C. § 1305. Prohibition of importation.
A. All persons are prohibited;
B. Prom importing into the United States from any foreign country;
C. Obscene material.

COMMENT: Enforcement of this section is by a United States Customs seizure, and subsequent legal action for determination of obscenity and forfeiture.

14. 18 U.S.C. § 1961. Racketeer Influenced and Corrupt Organizations (RICO).

COMMENT: The obscenity crimes described in 18 U.S.C. 1461-1466 and* child pornography offense described in 18 U.S.C. § § 2251-2252 are predicate crimes for the federal racketeering (RICO) statutes. Also, the transportation for illegal sexual activity crimes described in 18 U.S.C. § § 2421-2424 discussed herein are predicate offenses for RICO.

15. 18 U.S.C. § 2251. Sexual exploitation of children.
A. Production of visual depictions
1. Any person;
2. Who employs, uses, persuades, induces, entices, or coerces, etc.;
3. A minor;
4. With the intent that such minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct;
5. Shall be guilty of a felony;
6. If such depictions have been transported in interstate or foreign commerce, or mailed or transmitted through computer, or if such person knows that they will be so transported.
B. Production, continued.
1. Any parent, legal guardian, or person having custody or control of a minor;
2. Knowingly permits the minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct;
3. Shall be guilty of a felony;
4. If depictions have been transported in interstate or foreign commerce or mailed or* transmitted through computer, or if "such person knows that they will be so transported.
C. Advertisements.
1. Any person;
2. If the advertisement has been transported in interstate or foreign commerce or mailed or *transmitted through computer, or if such person knows that it will be so transported;
3. Knowingly makes, prints, or publishes;
4. Any notice or advertisement;
5. Seeking or offering to receive, exchange, buy, produce, display, distribute, or reproduce;
6. Any visual depiction involving a minor engaging in sexually explicit conduct;
D. Punishment for this section.
1. For individuals, a fine up to $100,000 and imprisonment up to ten years and up to $200,000 and fifteen years for subsequent offenses;
2. For organizations, a fine up to $250,000.

16. *18 U.S.C. § 2251A. 8uying and selling of children to produce child pornography.
A. Any parent, legal guardian or any person having custody or control of a minor;
B. Sell or otherwise transfers custody or control;
C. Where person knew or should have known that minor would be used to produce promote or assist in producing child pornography;
D. Shall be fined $250,000 or imprisoned for twenty years to life or both.

17. 18 U.S.C. § 2252. Certain activities relating to material involving the sexual exploitation of minors.
A. Any person who;
B. Knowingly transports or ships in interstate or foreign commerce, or mails or* transmits through computer;
C. A visual depiction of a minor engaging in sexually explicit conduct; or
D. Knowingly receives or distributes such material after shipment; or
E. Knowingly reproduces such material for distribution in interstate or foreign commerce or by mail or by computer transmission;
F. Shall be fined and/or imprisoned as provided in 18 U.S.C. § 2251.

18. *18 U.S.C. § 2253. Criminal forfeiture.

COMMENT: Provides that anyone convicted of violating section 2251 or 2252 shall forfeit any property derived or proceeds obtained from the offense, and any property used to commit the offense.

19. 18 U.S.C. § 2254. Civil forfeiture.

COMMENT: Provides for the forfeiture of property obtained from, or used to commit an offense under section 2251 or 2252.

20. 18 U.S.C. § 2255. Civil remedy for personal injuries.

A. Any minor who is a victim of a violation of 18 U.S.C. section 2251 or 2252;
B. Who suffers personal injury as a result of such violation;
C. May sue for damages and costs of the suit, with damages presumed of not being less than $50,000.

21. 18 U.S.C. § 2256. Definitions of chapter.

A. A minor is "under the age of eighteen years."
B. "Sexually explicit conduct" means:
  1. sexual intercourse, including deviant intercourse;
  2. bestiality;
  3. masturbation;
  4. sadistic or masochistic abuse
  5. lascivious exhibition of the genitals or pubic area.
C. "Visual depiction" means undeveloped film and videotape.

22. 18 U.S.C. § 2421. Transportation for illegal sexual activity generally.

A. Knowingly;
B. Transports any individual in interstate or foreign commerce;
C. With intent that such transported individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense;
D. Fined or imprisoned up to five years.

23. 18 U.S.C. § 2422. Conversion and enticement for prostitution.

A. Knowingly;
B. Persuades, induces, entices, or coerces;
C. Any individual to travel in interstate or foreign commerce;
D. To engage in prostitution or other criminal sexual activity.
E. Fine and/or imprisoned up to five years.

24. 18 U.S.C. § 2423. Transportation of minors.

A. Knowingly;
B. Transports any individual under the age of 18 years;
C. In interstate or foreign commerce;
D. With intent that such individual engage in prostitution or other criminal sexual activity.
E. Pine and/or imprisoned up to ten years.

25. 18 U.S.C. § 2424. Filing factual statement about alien individual.

COMMENT: Requires a written statement to be filed with the Commissioner of Immigration and Naturalization, by any person who keeps, maintains, etc., a house of prostitution or similar establishment, and who keeps or harbors in that place an alien within three years after that individual has entered the United States.

26. 47 U.S.C. § 223. Obscene or harassing telephone calls.

A. Whoever in the District of Columbia or interstate or foreign commerce,
  1. Makes any comment, request, suggestion, or proposal which is obscene, indecent, etc.;
  2. Makes a telephone call without disclosing their identity with intent to annoy, abuse, threaten, or harass any person;
  3. Calls repeatedly to harass any person, or
  4. Knowingly permits any telephone facility under his' control to be used for the three above described purposes;
  5. Shall be fined up to $50,000 or imprisoned up to six months or both.
B. Whoever in the District of Columbia or interstate or foreign commerce,
  1. Makes or permits any telephone facility under his control to be used for obscene communication;
  2. By telephone directly or by secondary device; For November 1989 Amendments, see attached pagesFor more information or copies of federal laws contact:

National Coalition Against Pornography, Inc.
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Cincinnati, Ohio 45231
(513) 521-6227

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APPENDIX A

SECTION 521. RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.

(1) Amendment. —Section 223 of the Communication Act of 1934 (47 U.S.C. § 223) is amended by striking subsection (b) and inserting the following:

(b)(1) Whoever knowingly—

(A) within the United States, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined in accordance with title 18, United States Code, or imprisoned not more than two years, or both.

(2) Whoever knowingly—

(A) within the United States, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes which is available to any person under 18 years of age or to any other person without that person's consent; regardless of whether the maker of such communication placed the call; or

(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(3) It is a defense to prosecution under paragraph (2) of this subsection that the defendant restrict access to the prohibited communication to persons 18 years of age or older in accordance with subsection (c) of this section and with such procedures as the Commission may prescribe by regulation.

(4) In addition to the penalties under paragraph (1), whoever, within the United States, intentionally violates paragraph (1) or (2) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

(5)(A) In addition to the penalties under paragraphs (1), (2), and (5), whoever, within the United States, violates paragraph (1) or (2) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

(B) A fine under this paragraph may be assessed either (i) by a court, pursuant to civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or (ii) by the Commission after appropriate administrative proceedings.

(6) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1) or (2). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.

(c)(1) A common carrier within the District of Columbia or within any State, or in interstate or foreign commerce, shall not, to the extent technically feasible, provide access to a communication specified in subsection (b) from the telephone of any subscriber who has not previously requested in writing ‘the carrier to provide access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the carrier remits, in whole or in part, to the provider of such communication.

(2) Except as provided in paragraph (3), no cause of action may be brought in any court or administrative agency against any common carrier, or any of its affiliates, including their officers, directors, employees, agents, or authorized representatives on account of—

(A) any action which the carrier demonstrates was taken in good faith to restrict access pursuant to paragraph (1) of this subsection.

(B) any access permitted—

(i) in good faith reliance upon the lack of any representation by a provider of communications that communications provided by that provider are communications specified in subsection (b), or

(ii) because a specific representation by the provider did not allow the carrier, acting in good faith, a sufficient period to restrict access to communications described in subsection (b).

(3) Notwithstanding paragraph (2) of this subsection, a provider of communications services to which subscribers are denied access pursuant to paragraph (1) of this subsection may bring an action for a declaratory judgment or similar

action in a court. Any such action shall be limited to the question of whether the communications which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access.

(2) Conforming Amendments. —Section 2(b) of the Communications Act of 1934 is amended by striking "section 224" and inserting "section 223 or 224".

(3) Effective Date. —The amendments made by this subsection shall take effect 120 days after the date of enactment of this Act.

ATTACHMENT B

APPENDIX A

State Statutes Prohibiting the Dissemination of Harmful Material to Minors State Statute Minor

State	Statute	Minor
Alabama	Knowingly display or distribute to minor material indecent for minors.* Code § 13A-12-171 (1988).	unmarried under 18
Arizona	Recklessly furnish to minor item harmful to minors.* Ariz. Rev. Stat. Ann. § 13-3506 (1988).	under 18
	Knowingly place elicit sexual material harmful to minors* on public display visible or accessible to minors. Ariz. Rev. Stat. Ann. § 13-3507.	under 18
Arkansas	Knowingly sell, loan or exhibit to minor material harmful to minors.* Ark. Stat. Ann. § 5-68-502 (1987).	under 17
California	Knowingly distribute or exhibit to minor any harmful matter.* Cal. Penal Code § 313.1 (West 1989).	under 18
Colorado	Knowingly sell, loan or exhibit to child material harmful to children.* Colo. Rev. Stat. § 18-7-502 (1986).	under 18
Connecticut	Knowingly promote to minor material obscene as to minors.* Conn. Gen. Stat. Ann. § 53a-196 (1985).	under I7
Delaware	Provide obscene material" to person under age 18. Del. Code Ann. tit. 11 § 1361 (1987).	under 18
	Knowingly disseminate to minor material harmful to minors.* Del. Code Ann. tit. 11 § 1365.	under 18
D.C.	Knowingly provide to minor material which taken as a whole is patently offensive based on adult community standard of what is suitable for minors. D.C. Code Ann. § 22-2001 (1981).	under 17
Florida	Knowingly sell, rent or loan to minor material harmful to minors.* Fla. Stat. Ann. § 807.012 (1989).	under 18
	Knowingly exhibit material harmful to minors* in retail establishment. Fla. Stat. Ann. § 807.0125.	under 18
Georgia	Knowingly disseminate to minor material harmful to minors.* Ga. Code Ann. § 16-12-103 (1988).	under 18
Hawaii	Knowingly disseminate to minor material pornographic for minors.* Hawaii Rev. Stat. § 712-1215 (1988).	under 16
Idaho	Knowingly disseminate to minor material harmful to minors.* Idaho Code § 18-1515 (1987).	under 18
Illinois	Knowingly distribute or exhibit to child under 18 any harmful material." Ill. Ann. Stat. ch. 38, § 11-21 (Smith-Hurd 1979).	under 18
Indiana	Knowingly disseminate or display to minor matter harmful to minors.* Ind. Code Ann. § 35-09-3-3 (Burns 1985).	under 18
Iowa	Knowingly disseminate or exhibit obscene material* to minor. Iowa Code Ann. § 728.1 (West 1979).	under 18
Kansas	Knowingly display or disseminate to minor material harmful to minors.* Kan. Stat. Ann. § 21-4301c (1988)	unmarried under 18
Kentucky	Knowingly distribute or exhibit obscene materials** to minor. Ky. Rev. Stat. § 531.030 (1985).	under 18
Louisiana	Intentionally sell, exhibit or distribute material harmful to minors.*** La. Rev. Stat. Ann. § 91.11 (West 1989).	unmarried under 17
Maine	Knowingly disseminate obscene matter* to minor. Me. Rev. Stat. Ann. tit. 17-A, § 2911 (1988).	under 18
Maryland	Willfully or knowingly sell, display or distribute obscene material** to person under 18. Md. Ann. Code art. 27, § 419 (1987).	under 18
Mass.	Knowingly disseminate to minor matter harmful to minors.* Mass. Ann. Laws ch. 272, § 31 (Michie/Law. Co-op. 1989).	under 18
Michigan	Furnish obscene** printed matter to person under 18. Mich. Stat. Ann. § 28.337 (Callaghan 1981).	under 18

State Statutes Prohibiting the Dissemination of Harmful Material to Minors State Statute Minor—Continued

State	Statute	Minor
Minnesota	Knowingly disseminate or display to minor material harmful to minors.* Minn. Stat. Ann. § 617.292 (West 1989).	under 18
Mississippi	Knowingly disseminate sexually oriented material*** to person under 18. Miss. Code. Ann. § 97-5-27 (1989).	under 18
Missouri	Knowingly or recklessly furnish to minor material pornographic for minors.* Mo. Ann. Stat. § 573.040 (Vernon 1989).	under 18
Montana	Knowingly provide obscene material** to anyone under 18. Mont. Code Ann. § 45-8-201 (1987).	under 18
	Knowingly display offensive sexual material.* Mont. Code Ann. § 45-8-202.	under 18
Nebraska	Knowingly sell, display or provide to minor material harmful to minors.* Neb. Rev. Stat. § 28-808 (1985)	unmarried under 18
	Knowingly exhibit to minor motion picture, show, or presentation harmful to minors.* Neb. Rev. Stat. § 28-809.	unmarried under 18
Nevada	Knowingly sell or loan to minor, or exhibit for sale to adult in a manner that allows minor access, any material harmful to minors.* Nev. Rev. Stat. § 201.265 (1985).	under 18
N. Hampshire	Knowingly provide to minor material harmful to minors.* N.B. Rev. Stat. Ann. § 571-B:2 (1985).	under 18
New Jersey	Knowingly sell obscene material*** or exhibit obscene film*** to person under 18. N.J. Stat. Ann. § 2C:34-3 (West 1982).	under 18
New Mexico	Knowingly provide to minor visual representation harmful to minors.* N.H. Stat. Ann. § 30-37-2 (1989).	under 18
	Knowingly display printed material harmful to minors* in retail establishment open to general public. N.H. Stat. Ann. § 30-37-2.1.	under 18
	Knowingly exhibit to minor motion picture harmful to minors.* N.H. Stat. Ann. § 30-37-3.	under 18
New York	Knowingly disseminate to minor material harmful to minors.* N.Y. Penal Law § 235.21 (McKinney 1980).	under 17
N. Carolina	Person 18 or older knowingly display visual material harmful to minors*** N.C. Gen. Stat. Section 14-990.14	under 18
	Person 18 or older knowingly disseminate material harmful to minors. N.C. Ge. Stat. Section 14-190.15.	under 18
N. Dakota	Recklessly promote to minor material harmful to minors.* N.D. Cent. Code § 12.1-27.1-03 (1989).	under 18
Ohio	Recklessly disseminate to juvenile material unmarried obscene** or harmful to juveniles.* Ohio Rev. Code Ann. § 2907.31 (Page 1988).	under 18
	Knowingly display material harmful to juveniles* unmarried at commercial establishment open to general public. Ohio Rev. Code Ann. § 2907.31.1.	under 18
Oregon	Knowingly furnishing obscene materials*** to minors. Or. Rev. Stat. § 167.065 (1985).	under 18
	Knowingly sending obscene materials*** to minors. Or. Rev. Stat. § 167.070.	under 18
	Knowingly exhibiting obscene performances*** to minors. Or. Rev. Stat. § 167.075.	under 18
	Knowingly displaying obscene materials*** to minors at a business. Or. Rev. Stat. § 167.080.	under 18
Pennsylvania	Knowingly disseminate or exhibit to minor material harmful to minors.* Pa. Cons. Stat. Ann. § 5903 (Purdon 1983).	under 17
Rhode Island	Willfully or knowingly disseminate to person under 18 material indecent for minors.* R.I. Gen. Laws § 11-31-10 (1988).	under 18
S. Carolina	Knowingly disseminate harmful material or exhibit harmful performance to minor.* S.C. Code Ann. § 16-15-385 (Law. Co-op. 1988).	under 18
S. Dakota	Knowingly disseminate to minor material harmful to minors.* S.D. Codified Laws Ann. § 22-24-29 (1979).	under 18
	Knowingly exhibit to a minor motion picture or other presentation harmful to minors.* S.D. Codified Laws Ann. § 22-24-29.1.	under 18
Tennessee	Knowingly sell, loan or otherwise exhibit or make available to minor material harmful to minors.* Tenn. Code Ann. § 39-6-1132 (1982).	under 18
Texas	Knowingly sell, distribute, display or exhibit to minor harmful material.* Tex. Penal Code Ann. § 43.24 (Vernon 1974).	under 17
Utah	Knowingly distribute or exhibit to minor material harmful to minors,* or participate in a performance harmful to minors.* Utah Code Ann. § 76-10-1206 (1989).	under 18
Vermont	Knowingly disseminate to minor material harmful to minors.* Vt. Stat. Ann. tit. 13, § 2802 (1989).	under 18

State Statutes Prohibiting the Dissemination of Harmful Material to Minors State Statute Minor—Continued

State	Statute	Minor
	Display publicly for advertising purposes material harmful to minors.* Vt. Stat. Ann. tit. 13, § 2804a.	under 18
	Knowingly and recklessly permit minor in part of premises of business where material harmful to minors* is visibly displayed. Vt. Stat. Ann. tit. 13, § 2804b.	under 18
Virginia	Knowingly sell, rent, loan, display or exhibit to juvenile material harmful to juveniles.* Va. Code § 18.2-391 (1988).	under 18
Washington	Sell, distribute or exhibit to minor material the court has determined to be erotic.* Wash. Rev. Code Ann. § 9.68.050 (1989).	under 18
W. Virginia	Knowingly prepare, distribute, exhibit or publicly display obscene matter** to minor. W. Va. Code § 61-8A-2 (1984).	under 18
Wisconsin	Knowingly sell, exhibit or loan for monetary consideration to minor material harmful to minors.* Wis. Stat. Ann. § 944.25 (1988).	under 18
Wyoming	Knowingly disseminate obscene material** to minor. Wyo. Stat. § 6-4-302 (1989).	under 19

* Defined under a variable obscenity as to minors standard, applying the guidelines set forth in ***Miller v. California***, 413 U.S. 15 (1973) to minors.

** Defined under ***Miller*** obscenity standard or similar language.

*** Specifically defined in statute.

Senator Pell. Thank you very much, Mr. Showers.

We will now turn to Professor Sullivan from Harvard. I understand the faculty at the Law School is going through some stress itself.

Ms. Sullivan. Well, I cannot report directly, Mr. Chairman, since I am out of town today.

I thank you very much, Mr. Chairman, Senator Kennedy, members of the subcommittee, for the privilege of testifying before you.

I testify from the perspective of a constitutional scholar in support of the view that, under the guiding principles of the First Amendment, the appropriate action for you to take is to reauthorize the NEA without political or ideological or viewpoint-based restrictions, for those sort of restrictions are anathema to our First Amendment tradition.

I would like to explain this point of view by answering three of the most common arguments that we hear from those who advocate restrictions on what the NEA may fund in the production of art. Let us take the first argument.

We hear the argument that it is the taxpayers' money and the taxpayers, the majority of them, should be able to do what they want, impose what restrictions they want. Well, quite simply, the U.S. Supreme Court has heard that argument before many times and has rejected it. Senator Kennedy put it quite precisely a few moments ago: The U.S. Supreme Court has always held that even when you get a grant, you do not sacrifice your First Amendment rights. Indeed, in a recent case, Chief Justice Rehnquist restated the basic principle for the Court that even when you are getting a benefit from the Government, such as a tax benefit or a cash subsidy, the Government may not give it to some but not others, in a way that aims at the suppression of dangerous ideas.

In other words, the First Amendment binds not only the jail cells of the Nation, but also its checkbook. The First Amendment applies to the power of the purse as well as to the power of the sword, and I think I can convince you of that by using one easy example.

You can see that if the Government were to jail all those who voted Republican, it would skew the world impermissably in favor of the Democrats. But the same result could be achieved by simply offering cash bounties to all those who would vote for the Democrats. Either way, whether by sword or purse, discrimination on the basis of viewpoint may not be countenanced under our First Amendment.

The short answer to the taxpayers' claim is, sorry, but even when it comes to grants of public jobs, public facilities, public money, public tax exemptions, the First Amendment bars the suppression of dangerous ideas.

The second argument so often made by those who would impose viewpoint-based restrictions on the content of what the NEA may fund is one we heard again today from Mr. Fein. It is the argument that well, the Government should not put its imprimatur of approval on works that the taxpayers do not like.

That argument is simply wrong. When the Government opens up, let us say, its public streets and parks to demonstrations, to parades, to speeches, to protests, or to concerts, it does not condone the statements or actions of those who take part there. We saw last fall that the Washington Mall was filled with those who are for *Roe v. Wade* and for the right to choose an abortion. We will see perhaps tomorrow that that same public space, tended by public employees, clipped by public-paid gardeners, policed by publicly paid police officers, that same public space will go over perhaps tomorrow to those who take the opposite view that that is wrong, and that there is a right to life that should prohibit abortion.

But when the Government opens Washington Mall to those with different points of view, it does not condone either side. It simply teaches, as Dean Bollinger has suggested, the principle that under our First Amendment, in the Government's house, all ideas are welcome, and what is true of the public spaces that are tended with public money is no less true of the grants that the public hands out to those who struggle to create new art.

The third argument that is so often made by those who would advocate restrictions on the arts is, well, the First Amendment is not absolute, and since the Government can ban some kinds of speech, we should also write a lot of restrictions into the law, and I will take as my example the obscenity restriction passed in last year's legislation. Well, I agree with what has been said, that it is probably not unconstitutional to refuse to fund obscenity in the way that you did. I say probably, because, obviously, substantively it is not a problem. Obscenity has been deemed by the U.S. Supreme Court not valuable speech. But procedurally it raises grave problems of prior restraint to send out an invitation to produce art with an attachment that says, "Please swear this conformity oath," as Mr. Fein suggests. We have spent 20 to 30 years getting rid of loyalty oaths as a precondition for getting public benefits. We should not reinstate that restriction on free thought through a conformity oath in the distribution of public grants.

But even if it were not unconstitutional, obscenity restrictions are unnecessary and unwise, and I would fully agree with Senator Hatch's point earlier that if the U.S. Supreme Court has had difficulty ascertaining what obscenity is, Congress will hope to do little better. It is unnecessary because obscenity is by definition not involved in artists' grants. Artists' grants by the NEA by definition have serious artistic value. And it is unwise because it will have a chilling effect on art that comes close to the line.

The problem with the Sword of Damocles is not that it will fall, but that it hangs, and you should not write restrictions into the law that make the artist struggling in the attic or the basement in an effort to create new art fear that he or she will come too close to the line.

So: No restrictions.

Thank you very much.

[The prepared statement of Professor Sullivan follows.]

STATEMENT OF KATHLEEN M. SULLIVAN

Mr. Chairman and Members of the Subcommittee: What does the Constitution have to say about federal funding for the arts? It neither requires nor forbids such funding. Art, like science, war, or welfare—and unlike religion—is something that Congress is free to fund or not to fund as it sees fit. But if Congress chooses to fund the arts, then the great principles of the First Amendment must be your guide. And under those guiding principles, political or Ideological restrictions have no place.

From the beginning of this century, the Supreme Court has held that government may no more bribe citizens to surrender their most precious liberties than it may compel them. For example, it would be just as unconstitutional to offer cash bounties to those who vote Democrat as it would be to make it a crime to vote Republican; either way, the world is impermissibly skewed in favor of the Democrats. Likewise, Congress may no more bribe Warhol to paint like Wyeth than it may outlaw pop art; either way, it creates a world that is only safe for landscapes. To constitutional lawyers, this constraint on discriminatory funding is known as "the doctrine of unconstitutional conditions."

As applied in the First Amendment area, the unconstitutional conditions doctrine holds that government may not grant a benefit on the condition that the recipient forego constitutionally protected expression—even if government was free in the first place not to offer that benefit at all. In other words, the First Amendment applies to the checkbook of the nation as well as to its jail cells. The First Amendment does not disappear just because taxpayers are paying the tab.

What kinds of unconstitutional conditions on freedom of expression has the Supreme Court struck down? The examples are legion. The seminal modern case in the free speech area was *Speiser v. Handall*, 357 U.S. 513 (1958). In that case, the Court held that the government could not require veterans to swear a loyalty oath as a condition of receiving a tax exemption, any more than it could make refusal to swear a loyalty oath a crime. The court reasoned that the "deterrent effect" on dissenters' speech "is the same as if the State were to fine them for such speech." 357 U.S. at 518. Or course, it was up to the state whether or not to give veterans the special benefit of a tax exemption in the first place. But if the state chose to do so, it was bound to treat all veterans alike; the First Amendment barred it from purchasing affirmations of loyalty that it could not have compelled.

This same principle has been applied also to the allocation of many other government benefits besides tax exemptions—including government salaries, use of government facilities, and government cash grants, all of which are forms of subsidy that government may but need not provide. For example, the Supreme Court has held that if you are a public school teacher or hold some other government job, you cannot be fired for speaking out against government policy on matters of public concern—even though the taxpayers are paying your salary. *Perry v. Sindermann*, 408 U.S. 593 (1972); *Pickering v. Board of Education*, 391 U.s. 563 (1968). Nor can you be fired for your political affiliations, except in certain high-level, politically sensitive public jobs—even if a majority of the taxpayers are of the other party. *Elrod v. Burns*, 427 U.S. 347 (1976).

Public forum cases illustrate a similar requirement of government neutrality and even-handedness in the allocation of public facilities and the services that go with them. The Court has repeatedly held that if you wish to hold a rally, parade, or concert in the public streets or parks, you cannot be denied a permit because the sheriff, mayor, or city council may not like your ideas—even though the taxpayers have to pay for the police who keep order at your event and for the sanitation workers who clean up the litter you leave behind. Rather, the Court has always subjected to the strictest scrutiny any attempt by government to eject speech from the public forum or to subject it to discretionary licensing there. *City of Lakewood v. Plain Dealer Publishing Co.*, 108 S. Ct. 2138 (1988); *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546 (1975); *Martin v. Struthers*, 319 U.S. 141 (1943); *Jamison v. Texas*, 318 U.S. 413 (1943); *Schneider v. New Jersey*, 308 U.S. 147 (1939).

No less is true if the forum is the television screen instead of the soapbox. The Supreme Court recently struck down the federal government's attempt to ban all editorializing on public television stations—even though the taxpayers were subsidizing those stations through grants for public broadcasting, *FCC v. League of Women Voters* 468 U.S. 364 (1984).

These cases furnish a short answer to those who cry, in current controversies over funding of the arts as in earlier controversies over other expressive activities, "But it's the taxpayers' money and we may do what we want with it!" Quite simply, the Supreme Court has already heard and rejected their plea. The Court has held instead that "conditions upon public benefits cannot be sustained, if they so operate, whatever their purpose, as to inhibit or deter the exercise of First Amendment freedoms," *Sherbert v. Verner*, 374 U.S. 398, 405 (1963). We are each masters in our own homes; there, we may pick and choose the ideas to which we open our doors or minds. But in the government's house, all ideas must be welcome. "[G]overnment may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views." *Police Department of Chicago v. Mosley*, 408 U.S. 92, 96 (1972). And it matters not that the forum is funded at public expanse.

What do these basic First Amendment principles entail for federal funding of the arts? The key point is that funding may not be withheld because of the unorthodox or unpopularity of the artist's message. Quite the contrary, as the Supreme court has repeatedly stated, viewpoint discrimination in the allocation of public funds is forbidden; the First Amendment retires government neutrality and even-handedness in subsidies no less than in regulation. As Justice (now Chief Justice) Rehnquist most recently restated this basic point: "Congress [may not] discriminate invidiously in its subsidies in such a way as to 'aim at the suppression of dangerous ideas.'" *Regan v. Taxation with Representation*, 461 U.S. 540, 548 (1983), quoting *Speiser v. Randall*, 357 U.S. 513, 519 (1958).

As a practical matter, this means that Congressional authorizations of arts funding should contain no hit lists of forbidden or "dangerous" ideas. The government must not exclude art from funding on the basis of its viewpoint. This is so even if the viewpoint suppressed concerns sex. The Supreme Court swiftly strikes down criminal laws that suppress sexually explicit expression on the basis of its viewpoint—for example, because it depicts adultery favorably, *Kingsley International Pictures Corp. v. Regents*, 360 U.S. 684 (1959), or women unfavorably, *Hudnut v. American Booksellers Ass'n, Inc.*, 106 S. Ct. 1172 (1986). Similarly, government may not ban—or deny funding to "indecent" or "homoerotic" art merely because of the lens through which it sees the world. The First Amendment does not permit government to skew artistic creation in the direction of the prevailing winds of convention.

Does this mean that government can exercise no content control of publicly funded art whatsoever? Of course not; that would be absurd. Government cannot fund everything; government has limited resources for the arts and some selectivity is inevitable. The First Amendment simply constrains the grounds on which selection may be made. Selecting for excellence is entirely unproblematic. If high quality rather than political acceptability is the touchstone, the First Amendment poses no bar. The promotion of art on the basis of its excellence—and nothing else has long been the central task of the NEA and I, for one, hope it long will be.

Likewise, government earmarking of funds for a particular subject matter will usually pose no First Amendment problem. If, for example, the government commissions a portrait of the President, no landscape artist could complain that he had been discriminated against because landscapes were not included. Of course, government could not eliminate an entire category of expression out of hostility—as Hitler condemned all abstract expressionism as decadent art.

Finally, government may decline to fund art that could constitutionally be banned outright—such as "obscene" art. But this sort of restriction is hardly worth the effort, for artistic endeavors meriting the approval of NEA review panels virtually by definition cannot be obscene, for they will necessarily have the "serious artistic value" that takes them out of that category. Moreover, such a restriction will have excessive costs, for it will chill much innovative art that artists fear, even if mistakenly, will come too close to the line.

In sum, except for neutral and nonpartisan requirements of aesthetic excellence, federal support for the arts should come without strings. Only thus can Congress encourage unfettered and innovative creative enterprise. In a free society, artists should not be the government's puppets but should dance to their own tune. A free society can have no official orthodoxy in art any more than in religion or politics or any other matter in which deep controversy may arise. And in a free society, such orthodoxy can no more be purchased by power of the purse than compelled by power of the sword.

Senator KENNEDY. I think I will go over and vote and come on back.

Senator KASSEBAUM. I will go ahead and ask a question.

Senator Cochran, do you want to ask a question?

Senator COCHRAN. I was intrigued by the Sword of Damocles. I was thinking here, for a person who would be king in our society, a senator who would be king, how one comes out on this issue might very well cause that sword to fall on one's head. [Laughter.]

We are, I think, very fortunate to have this panel before us this morning because it does show the diversity of opinion that we confront, even among very learned, well educated people who give a lot of time and thought and effort to these very touchy and complex issues that we are confronting.

I have enjoyed this. It is almost like going back to law school, listening to law professors talk about these issues. And I can see, too, how difficult it would be to be a member of the judiciary on the bench, hearing eloquent arguments posed, as you have, from one side or the other of this issue.

Unfortunately, we are not just making a legal decision in this process, and it is awfully difficult, if not impossible, to separate the political from the legal, and that will be a part of the decision that is made here, whether we like it or not. So politics and art, as Mr. Fein pointed out, do in fact converge at some point, and we will find the legal process and politics converging right here in this committee. It will be interesting to see how we deal with it.

I am convinced that we are going to find a way to work our way through this challenge of permitting support for the arts but at the same time not encouraging the shocking of sensibilities of people in that process. I do not know how we do that, but we are going to figure out a way, I hope.

Thank you.

Senator KASSEBAUM. Thank you.

I would just like to observe, as I did earlier, that I think we all have concerns about restrictions. I think personally there have been some very persuasive arguments made regarding that, either from a Constitutional standpoint or just a personal standpoint, there are concerns about censorship. On the other hand, as I said, I think that there is a real feeling in the country that sometimes there is a disconnect between the public and its elected representatives. We have to be sensitive to those concerns, or else you have a growing sense of cynicism about the process and a growing sense of intolerance both for the issues and for those who serve in an elected capacity. I think this really should concern us as far as being able to have a sense of governance with civility.

That is why I think we cannot ignore the public's concern about this issue, even though I think it has been raised and presented frequently in a way that could be called demagogic. On the other hand, it is one that touches the emotional sensibilities, and, when that happens, it is easy for people to take extreme positions.

Dean Bollinger, I think you made a comment about reasonable content distinction. You indicated there is a way to define reasonable content distinction. Is that what I understood you to say?

Mr. **Bollinger**. I did try to say that I think it is a very hard——

Senator **Kassebaum**. But you did not define it.

Mr. **Bollinger**. No, other than to say a reasonable one.

What I would try to do now is just to convey to you the sense that it is an enormously difficult, delicate and subtle problem, not one that is easily answered, and I want to make that absolutely clear, that I do not come in here thinking that this is just a simple problem.

The problem is really this: The question is to what extent should the subsidy side of the government activities mirror the censorship side. It is very clear, as soon as one says that you can have a quality standard on the subsidy side, that you do not have an exact replica, because you cannot have a quality standard on the other side, you cannot decide that speech can be censored if it is of low quality. In fact, we protect under the First Amendment all kinds of very low-quality speech, so we have got this problem.

Then we have to say what do we mean by "quality," and there my position is that I think when you say that, you are allowing some content analysis, but I must say that I do not know anybody in the literature and the First Amendment community or any court, and I certainly have not been successful yet in defining exactly what that level of content is.

What I am confident about is that the principles of the First Amendment seem to me to cut in favor of leaving it at a quality standard and, in a sense, keeping the pressure on the government constantly to articulate its decisions in terms of quality and excellence, rather than in terms of offensiveness, because I think the examples that we have in history of the chilling effect, the intimidation of the abuse by people of good heart and bad heart, as soon as you introduce standards like offensiveness, is just so overwhelming that it would be a huge mistake here to do that.

Senator **Kassebaum**. Well, let me ask Mr. Fein and Ms. Sullivan. Do you think that, without getting into trying to define quality or reasonable content or keep the restrictive definition that we have now, there is a way to restructure NEA that could give some assurance that the delivery system could be improved?

Mr. **Fein**. I think that there is. I think perhaps history does not speak quite in the same way that Dean Bollinger suggests, because the reason why you need to have some concern with regard to your funding process is that, for good or for ill, people do look at government taxpayer subsidies as promoting a particular idea.

When Adolf Hitler wrote in "Mein Kamph" and he developed the nitroglycerin in German society that led to Cristel Nacht, you could say it is not that we loved Jews less, but that we loved the right of Adolf Hitler to utter malignities more. Now, that would not be much sympathy, I think, for those who are victims, but standards like prohibiting racially and religiously bigoted speech can be I think administered in an after-the-fact way that does no injustice to our devotion to freedom of expression.

I would be the first one to agree that we do not want those evaluating art to be lawyers, we want them to be artists who are working at artistic expression, and it seems to me that an affidavit stating that you will comply with restrictions that the U.S. Supreme Court has already held can be prohibited, even without government funding, is a way that does not cause any logjam in the process so, as Professor Sullivan indicated, you could have censorship just by delay.

It seems to me that as long as your constituents know that the taxpayers' money is going with these pledges of honor, that would reduce any anxiety that they would have about the government being involved with their money in doing things that are totally beyond pale.

Senator KASSEBAUM. I would only say that I have heard from those who say—playwrights, as an example, or those engaged in regional theater—that with restrictive language, there becomes great uncertainty about whether it does apply, or does not apply. They become very leery of even starting a production where maybe there would be questions raised.

I think what worries me is that you create an atmosphere that is difficult. Yet, we do have to find a way to create some greater assurances here.

Mr. FEIN. But I think if the remedy is simply to recoup the money, it is not sending people to prison, is one of the reasons why the fears ought to be alleviated.

The second point I think is, in virtually all of these areas, there are already laws proscribing the conduct, even if it is not government funded. So, whatever chilling effect is there, by tying it into the NEA grant, you are not augmenting the chilling effect, it is there because of what the U.S. Supreme Court has held, namely that the First Amendment is not a suicide pact.

Senator KASSEBAUM. How would you answer that, Professor Sullivan?

Ms. SULLIVAN. Well, Senator Kassebaum, of course you are right, especially with an institution like the NEA, which is meant to democratize and to make it more accessible to all the people, the peoples' concerns must be your concerns, but I think it is exactly the wrong way to go to insert restrictive language into the very terms of the authorization, for the reasons I have already described, but you asked what might be a better way.

I think there you have already alluded to the better way. The better way is process and procedure, greater involvement of the citizenry which, according to Congressman Buchanan, has no fear of controversial art by a great majority, a super majority in some instances. Greater involvement of citizens in the process, it is citizen peer review panels now that make most of the art production funding decisions.

Another route you suggested earlier, perhaps greater decentralization, that is, more tailoring of grants to different communities, approaches by less centralization, more decentralization. Those ways, because they do not say what ideas are good and what are bad in advance, are better ways, they would allow more democracy without a price to freedom of speech.

Senator KASSEBAUM. Mr. Bollinger.

Mr. Bollinger. I guess I would want to add that I think it is fair for the government, when it has a subsidy program or any public program like a law school, to ask periodically those who are administering it to explain what it is that they are doing in terms of the standard of scholarly excellence, teaching excellence or artistic excellence.

I do not know anything about the Mapplethorpe exhibit and whether or not it is of sufficient artistic excellence to bear it a subsidy, but I think it is perfectly reasonable for people to say we would like an explanation for why that is.

Now, possibly the answer could be you do not think that it was or is of artistic excellence, but we have to have a system in which some people are going to do things that are of low quality, insufficient quality. I think that can be an adequate answer, too.

If every time, if every year I had to go before the Michigan Legislature and explain the social value of all of the scholarship that was done by my faculty, I would have a very unpleasant experience, because that is built into the system and we have universities throughout this country that use exactly the system that you use here, and that is widespread autonomy, because it is precisely in the scholarly world and in the artistic world, where we hope to get rich new insights, because of widespread freedom, and that is consistent with the First Amendment generally.

I would only say that I think there may not be as big a disagreement between Mr. Fein and myself and perhaps Professor Sullivan as I might have thought at the beginning. That is, if Mr. Fein believes that the grants should not be given only for that speech which is not protected by the First Amendment on the censorship side, then I am comfortable with that.

I am afraid, however, that he thinks that speech that is not protected on the censorship side include proof for libel, because I think he thinks that the case *Beaucharnais v. Illinois* in 1952 is still good law. I think that it would be wrong to think that, but if I am right in characterizing him, then I think that is our problem.

Mr. Fein. I think that is probably a fair statement in our view. I think, however, that you should be aware that I do not think that you all can get out of the box of having some limitations, because I think it is clear that the First Amendment itself, insofar as it creates an establishment clause that prohibits government sponsorship of denigration of religion as incompatible with church-state separation, ever gets a grant here, the grant money out of the box, can you fund speeches by Madeline O'Hair to denigrate religion or can you fund groups that would go out and proselytize in favor of religion. I think the answer is clearly no under the First Amendment and, therefore, there is always going to be some restrictions of that sort, whether you write anything into the statute or not.

Senator Kassebaum. I am terribly sorry, but I think I had better go vote. It is about to end. I would just like to thank everyone very much for some terribly interesting testimony.

I think Senator Pell will be back in a moment. If you do not mind waiting for just a moment until Senator Pell comes back, I think he has some questions.

Thank you very much.

[Short recess.]

Senator PELL. The subcommittee will come to order.

The chair apologizes to the witnesses. There is a roll call vote going on on the floor.

I know that several of the artwork sponsored by the NEA faced objections by citizens who claimed they were blasphemous. Are there any legal restrictions prohibiting blasphemy in either artistic or any other type of expression? I would like to ask each one of you that.

Mr. FEIN. I would think that the standard of blasphemy is one that the U.S. Supreme Court would not accept as a limitation on funding by NEA when they have addressed comparable cases.

Senator PELL. Dean Bollinger.

Mr. BOLLINGER. I agree.

Senator PELL. Mr. Showers.

Mr. SHOWERS. I agree.

Senator PELL. Professor Sullivan.

Ms. SULLIVAN. You cannot ban blasphemy. I just returned from a country that does in its Constitution, the Republic of Ireland. But in this country, we have held blasphemy as protected by the First Amendment since the thirties and forties.

Senator PELL. Right.

I have another general question. Is there any reason that congress should establish a national standard on obscenity? Do you think Congress has the obligation to set that standard? Mr. Fein.

Mr. FEIN. No, I think that the standard of obscenity has been set by the United States U.S. Supreme Court. I think it is reasonably workable. I do not think that the Court's struggling with this issue now for over 40 years lends any credence to the idea that you all in a collective setting can improve upon what necessarily is a rather rough and ready kind of concept, and I think it is far better for the standard to be left in the court where it sits.

Senator PELL. Mr. Bollinger.

Mr. BOLLINGER. I guess my answer is simple. The reason is complex, but I will just give you the answer. The answer is that you are not required to do that, of course, and under the Constitution I think you could go farther under the most recent U.S. Supreme Court cases over the last two decades, but I would advocate it as a way to proceed, because, precisely in the area of art, I think having standards that are more estimable by artists and not so much varied according to the region in which the art happens to end up, would be extremely desirable.

Senator PELL. Thank you.

Mr. Showers.

Mr. SHOWERS. From a constitutional standpoint, I think you can do that. Again, I would agree with the Dean, especially in a legal conduct issue, talking about obscenity, clearly the community standard could be used and very clear guidelines as to what the sexual conduct substantially throughout the procurer would be, would be really where I would focus. Again, that is where juries focus, as to is that conduct in there and is it substantially throughout the materials such that it lacks serious value. That is where they focus.

Senator PELL. Professor Sullivan.

Ms. **Sullivan**. Senator Pell, I would like to focus not on the question of the substance of the obscenity standard. I think there the U.S. Supreme Court has had difficulty, as Senator Hatch said. There are many of us who disagree with the articulation of the standard now, but if you wanted to adopt that substantive standard, that would seem to be legitimate, that is the standard the U.S. Supreme Court lives with.

The problem is not with the substance, it is with the process of who is to determine what is obscene, and there I think there is a significant problem in last year's authorization legislation, which reads "funds shall not be appropriated for materials which, in the judgment of the National Endowment for the Arts or the National Endowment for the Humanities, may be considered obscene." Now, that is very problematic at several levels.

First of all, we do not know what the national community standard of obscenity is, even if we could find the right body to say what it is. Usually, community standards refers to the local judgment of a jury, as Mr. Showers suggested. But even if we could, that language "may be considered obscene" is the source of the over-road and chilling influence on the arts community that I tried to refer to earlier as the sword of Damocles. It is by threatening you that you might get cut off or excluded from Federal funds, because work may be considered obscene that raises problems.

We have a doctrine against prior restraint under our First Amendment that says work that has been adjudged obscene can be suppressed, but you may not suppress it in advance, on the possibility that somebody might consider it obscene, and I think that is the language that is very problematic here. So, I think the better part of wisdom is do not put the obscenity standard into the hands of the National Endowment of the Arts or Humanities in the first place, in order to avoid that chilling effect.

Senator **Pell**. In other words, the best wording would be "is obscene," do not say "may be considered obscene" or "is considered obscene," but just say "is obscene"?

Ms. **Sullivan**. That would be a big constitutional improvement. I still do not think it is the best regime, because the best—even in that situation, you are going to have terrible administrative problems: 300,000 people have now viewed Robert Mapplethorp's photographs in the traveling exhibition, perhaps one of the biggest audiences for federally funded art in the history of the NEA. But if it is obscene in Cincinnati but not in five other jurisdictions, what is going to happen, a refund of one-fifth of the money? Once you get entangled in the business of determining what is obscene according to any particular local body, you are down the road you should not really want to begin on.

Senator **Pell**. What do you think should be our advice to the NEA, which now has to use its own judgment in deciding what is obscene, if the Congress persists in its emphasis on not supporting obscene things, even if they have artistic merit? Who should make that decision? Should it be the NEA or should it be the court or where should that decision be made?

Ms. **Sullivan**. Well, I think I would have to agree with Maestro Rostropovich that you should not create any new layer of a board of censors, that is, to create an extra layer of bureaucracy to make that determination is the wrong move. The NEA is a better choice.

The best advice would perhaps be to the NEA, err on the side of freedom, do not anticipate the events of Cincinnati and trim your sails to suit a fear of popular disapproval.

Senator **Pell**. I think Mr. Fein wished to comment.

Mr. **Fein**. I think that you will avoid the new bureaucracy by simply requiring the affidavit that I have mentioned in my written statement that be submitted along with the grant application that there is a pledge not to violate laws that prohibit obscenity. There is no prior restraint if, after the fact, there is a determination by a judge in a court of law that the obscenity standard has been violated at that time. Funds could be recouped, but you avoid any prerestraint, you avoid the NEA grappling with what is or is not obscene when it varies under current law based upon local community standards, and you do not have any logjam in the bureaucracy.

Ms. **Sullivan**. But you do not avoid the chilling effect by Mr. Fein's proposal of a conformity—you do not avoid the effects that artists will refrain from producing what they otherwise would have produced out of fear of that ultimate event.

Mr. **Fein**. I think that is wrong, because the fear is already there because of local obscenity laws. Simply by saying that you may have to give back some money if you received any NEA funding does not really add to the chilling effect that is there, because we do have laws against obscenity. They fear far more being in prison than giving back NEA funds.

Mr. **Bollinger**. I think you have to be very careful in thinking about this by thinking clearly about the context in which these words will be read. They are not read by lawyers in most instances, and I know there are a number of ways in which artists try, and probably for good reasons, to remain sort of uninformed about both the law and commercial practices.

So, when you have an affidavit which, of course, sounds quite frightening to begin with to many people, and then you are asked to sign it and promise that you will not do what is obscene, it is not entirely clear, will not be entirely clear, I think, especially in light of these hearings and the controversy of the last year, that what it is referring to is simply the constitutional standards that have been set out.

So, I think it is very important to think about the context in which they will be read and who will read them.

Senator **Pell**. I appreciate that.

Incidentally, I just want to read this one sentence here in today's *Washington Post*: "Joseph Papp, producer of the New York Shakespeare Festival, has turned down a $50,000 grant from the NEA, rather than pledge that none of the government money would be used for works that might be deemed obscene and without artistic merit." This is very interesting.

I have one further question to ask and then I will desist. Can a work of art be both obscene and beautiful? What would be your thought, Mr. Fein?

Mr. **Fein**. Well, I think if you use obscene in the words that the U.S. Supreme Court has, namely, that its predominant appeal is solely to the prurient interest and it specifically describes sexual acts or sexual organs and, part of the definition, it lacks any serious literary or artistic value, it seems to me very difficult to square that standard with anything that is worthwhile, because the definition itself says that if it has serious value, it is not obscene.

Senator Pell. Dean Bollinger.

Mr. Bollinger. I think I basically agree with that. I think under the present standard, you could say that there is virtually no artistic value to the particular object.

I think it is important, as I have said before, to put all of this in terms of artistic quality and to ask the NEA and the people who work under it and the people who receive the grants to think about it in terms of quality. You can, in that sense, do a lot to insure that speech that nobody does not want supported will not be supported, but it must be explained and dealt with in terms of quality. There will be much safer protection for First Amendment interest, if you do that.

Senator Pell. Thank you.

Mr. Showers.

Mr. Showers. Chairman Pell, if I was to read the list of descriptions of what the Federal Government has prosecuted in the past, I think the answer to your question is self-evident. There is no beauty in those things. They are degradation, rape, prostitution, exploitation of children and women of the grossest nature.

Senator Pell. Professor Sullivan.

Ms. Sullivan. What is beautiful cannot be obscene. The U.S. Supreme Court has already wrestled with that question by defining obscenity as only that which appeals solely to the prurient interest and lacks all artistic value, lacks all serious artistic value. That is why the prosecution of the Mapplethorpe exhibit in Cincinnati is outrageous, because the 300,000 citizens who flocked to see it are not coming to be titillated, they are coming to see classical form in photography.

Senator Pell. What would be a legal definition of prurient?

Ms. Sullivan. I think that is the problem that led Justice Potter Stewart to say it is something you know when you see it, I know when I see it. Prurient means appealing to lust. Then the question becomes good old healthy lust or lust in some bad sense. Prurient means something other than cognitive, other than rational, other than aesthetic, other than the highest part of the mind, something supposedly base, lustful, more physiological in origin, but distinguishing the two is extremely difficult.

Senator Pell. Thank you very much.

Senator Simon.

Senator Simon. I regret there are these times when we have conflicting meetings. We have two Illinois residents who are going to be testifying shortly, Madeline Murphy Rabb, the Executive Director of the Office of Fine Arts for the City of Chicago, who has contributed a great deal in that area, and Phyllis Schlafly, with whom I differ, as you might guess, on some things, but she and her husband, Ted, have been very gracious to me.

I think it is important, if I may just steal a phrase from you, Professor Sullivan, that we err on the side of freedom. I think that is one of the things that we should keep in mind.

To my friend Bruce Fein, when you say cultural life in the United States would not be extinguished if an epitaph were written for the NEA, it would not be extinguished, but we would be a less rich country if that were to happen. And when you also say it seems inaccurate to suggest that public subsidies are necessary to create or inspire arts, Sam Johnson, Charles Dickens, Henry David Thoreau, Van Gogh, for instance, produced artistic masterpieces in impecunious circumstances.

I remember when I was 12 years old reading a book, not his most famous book, but reading Richard Wright's book called "Black Boy," and being moved as I was never since or prior to that time being moved by a book. It was not until many years later I learned that Richard Wright became a writer through a PWA project.

I think the question is not whether we extinguish art in this Nation if we do not provide assistance to the NEA. We are not going to do that. The question is, Can we enrich ourselves? I think we can by continuing to provide assistance, and I think that Professor Sullivan's admonition is correct, let us err on the side of freedom.

Mr. **Fein**. If I could respond, Senator, I think that your observations are completely accurate, but I would also add that there is a problem that, when you do get into funding and the necessary restrictions that come up, you may not be enriching the First Amendment if you end up distorting some of our most treasured values—some that I think are more furthered by restrictions than not—through a funding program at all, and the First Amendment may end up being more rich without government involvement, which necessarily has an intersection with politics than any government involvement at all.

Even though, I quite agree, there are splendid works of art, I know at the Justice Department, where I worked for many, many years, the murals there that were the product of WPA projects, but I do not think that simply answers all the questions, because if the way in which the funding is done is counterproductive to First Amendment values, the gain may not be worth the candle.

Senator **Simon**. Thank you, Mr. Chairman.

Senator **Pell**. I thank you very much.

Did you wish to say something?

Mr. **Bollinger**. I think it is important to say that I certainly do not want to participate, I do not believe that I have, but I want to make sure, to sort of pay into the First Amendment. It is very important that we have widespread, generous, over-generous tolerances, as I have said in my prepared remarks, but I think it is also very important to realize that there is a lot of speech that is very harmful and that is protected by the First Amendment.

There is a large segment in the academic community today that is challenging long-held traditions about that, about sexist speech and racist speech being the underpinnings of sexism and racism in the society, that is not a trivial claim and it is very important to think about it. I do not think we want to subsidize a great deal of speech. I think it is important to err on the side of freedom, but I think it is important to explain it in terms of quality, the standard should be quality.

Senator **Pell**. Thank you very much, indeed. We appreciate very much the contributions of this panel here.

Senator **Pell**. We will now move on to the next panel, Dorothy Ilgen, executive director of the Kansas Arts Commission; Ms. Madeline Rabb, executive director of the Office of Fine Arts, Department of Cultural Affairs, Chicago; Kathryn Martin, chairwoman of the National Coalition for Education in the Arts, and dean at the Wayne State University School of Fine Arts; and Mr. Fred Lazarus, president of the Maryland Institute College of Art.

I will have to ask you to excuse me, because there is another rollcall vote going on and I will be right back.

[Short recess.]

Senator **Pell**. The subcommittee will come to order.

Again, I apologize for my absence, but we have these rollcall votes going on.

We hope the witnesses will restrict themselves to the 5 minutes and we will start out with Ms. Dorothy Ilgen, executive director of the Kansas Arts Commission.

You may proceed.

STATEMENTS OF DOROTHY ILGEN, EXECUTIVE DIRECTOR, KANSAS ARTS COMMISSION, TOPEKA, KS, ON BEHALF OF THE NATIONAL ASSEMBLY OF STATE ARTS AGENCIES; MADELINE MURPHY RABB, EXECUTIVE DIRECTOR, OFFICE OF FINE ARTS, DEPARTMENT OF CULTURAL AFFAIRS, CITY OF CHICAGO, CHICAGO, IL, ON BEHALF OF THE NATIONAL ASSEMBLY OF LOCAL ARTS AGENCIES; KATHRYN A. MARTIN, CHAIR, NATIONAL COALITION FOR EDUCATION IN THE ARTS, AND DEAN, SCHOOL OF FINE, PERFORMING AND COMMUNICATIONS ARTS, WAYNE STATE UNIVERSITY, DETROIT, MI; AND FRED LAZARUS, PRESIDENT, MARYLAND INSTITUTE COLLEGE OF ART, BALTIMORE, MD, ON BEHALF OF THE NATIONAL ASSEMBLY FOR VISUAL ARTS EDUCATION

Ms. **Ilgen**. Thank you, Mr. Chairman.

On behalf of the National Assembly of State Arts Agencies, I am here to speak in support of the reauthorization of the National Endowment of the Arts. My name is Dorothy Ilgen and I am the executive director of the Kansas Arts Commission.

As a member of the Board of NASAA, today I represent the collective voice of 56 States and jurisdictional arts agencies. We urge Congress to reauthorize the NEA statute without the addition of any restrictive language aimed at controlling the content of artistic works supported by the NEA. The language which Congress so carefully shaped and enacted in 1965 to establish the NEA has become the foundation for unparalleled expansion in public arts funding in this country.

It is important in enabling the NEA to carry out its role of encouraging the growth of America's cultural life and brings the arts within reach of every American, that Congress preserve the ability of the endowment to support the widest breadth of creative endeavor.

It is also essential that the National Endowment for the Arts be sure that Federal funds are responsibly spent through a process which is both representative and visible enough to safeguard the full range of idea and images that citizens from all across the country see as the best.

Toward that end, NASAA proposes amending the NEA statute to provide a legal framework for improving the accountability and openness of NEA's process. We believe that current congressional concerns about Federal support for the arts can best be addressed by enacting legislation which mandates a publicly accountable process for grant-making.

Most State arts agencies operate under policies and procedures similar to those we are suggesting here.

For example, NEA panels should include lay persons who have an avocational knowledge of the artistic field and represent the public interest. The National Council for the Arts and NEA panels, grant-making and policy discussions should be held in open public meetings. And because government support for the arts is intended to enlarge upon the public's involvement and understanding of the arts, NEA panels should consider, in addition to existing criteria, evidence of an applicant's intention to community involvement in its programs.

Last year, the Kansas Arts Commission awarded nearly $1.2 million in State and Federal funds to Kansas communities which used these funds to leverage an additional $7.4 billion of local support for total fiscal activity of $8.6 million. What these numbers translate into is an important quality of life factor for Kansans. The impact of the creation of the National Endowment for the Arts and the Kansas Arts Commission has led to much wider participation in and access to the arts in Kansas.

The Kansas Arts Commission's funds are regranted through a rigorous review process,involving scores of citizens knowledgeable about the arts and/or culture resources. These panelists, corporate leaders, educators, volunteer leaders, artists, historians, Chamber of Commerce directors, public television managers, and arts administrators, represent the community values of a majority of Kansans.

The Kansas Arts Commission is held responsible by our State Legislature, through open meeting laws and other regulations, to provide a thorough measure of accountability.

Most of the NEA funding goes to support works by artists and institutions broadly accepted by the general public. By supporting risk-takers as well as generally popular, the National Endowment for the Arts provides the American people with the opportunity to choose in ways that reflect art needs, concerns and visions as a Nation and fulfills government's responsibility for all its people, majority and minority alike.

We should not deprive Americans of options related to intellectual stimulation and cultural experience. There is room in our country for diversity of culture, diversity of experience and diversity of creative expression.

Thank you.

[The prepared statement of Ms. Ilgen (with an attachment) follow:]

PREPARED STATEMENT OF DOROTHY ILGEN

Mr. Chairman and members of the Subcommittee: On behalf of the National Assembly of State Arts Agencies I am here to speak in support of the reauthorization of the National Endowment for the Arts.

My name is Dorothy Ilgen and I am the executive director of the Kansas Arts Commission. As a member of the board of NASAA, today I represent the collective voice of the fifty-six state and jurisdictional arts agencies.

There are three major issues related to the reauthorization of NEA which I would like to address: First, reauthorization without restrictive modifications to the enabling legislation; second, the importance of the federal-state partnership in support of the arts; and third, the role of public funding in the cultural life of our nation.

REAUTHORIZING NEA

First, we urge Congress to reauthorize the National Endowment for the Arts statute without the addition of any restrictive language aimed at controlling the content of artistic work supported by the NEA. The language which Congress so carefully shaped and enacted in 1965 to establish the National Endowment for the Arts has become the foundation for an unparalleled expansion in public arts funding in this country. Congress in 1965 understood that federal control of artistic content would stifle the arts and defeat the purposes for which the Arts Endowment was established. What was understood then is also true today.

If the Arts Endowment is forced to restrain from entertaining applications to support the broadest possible artistic expression, and artists restrain themselves from proposing work that is risky or provocative, the only federal grantees would be an establishment of official artists and official arts organizations. What is truly American in our system of support for the arts would be destroyed, and we would replace our democratic citizen-driven system with a centralized governmental ministry of culture.

Not only would artists and arts organizations lose, the public would too. With the loss of public support for the full range of art, the public's ability to choose to experience art in all its expressiveness will be limited. Only safe art will be funded, and stimulating, challenging work will be left out.

When the initial controversy about NEA funding erupted last summer, I was questioned by some Kansas legislators, during a scheduled hearing on the arts and cultural resources, about the NEA. Several legislators expressed concern that Congress might dictate to Kansans what kind of art Kansans should or should not support. Kansans feel competent to make those judgments themselves.

I believe it is important in enabling the National Endowment for the Arts to carry out its role of encouraging the growth of America's cultural life and bringing the arts within the reach of every American, that Congress preserve the ability of the Endowment to support the widest breadth of creative endeavor.

It is interesting to note that several large arts institutions have not applied for KAC support in years past because of a lurking fear that with government funding came government interference in the activities of the arts organizations. The KAC has worked very hard to overcome this fear by de-mystifying its grants-making process. It would be a shame if Congress, through placing further restrictions on NEA, made this fear of Big Brother intervention come true.

NEA ACCOUNTABILITY

In fulfilling its mission, it is essential that the National Endowment for the Arts assure that federal funds are responsibly spent through a process which is both representative and visible enough to safeguard the full range of ideas and images that citizens from all across the country perceive as the best.

Toward that end, the National Assembly of State Arts Agencies proposes amending the National Endowment for the Arts statute to provide a legal framework for improving the accountability and openness of NEA's process. We believe that current Congressional concerns about federal support for the arts can be best addressed by enacting legislation which mandates a publicly accountable process for grantmaking by the National Endowment for the Arts. Most state arts agencies operate under policies and procedures similar to those we are suggesting here.

Although many of our suggestions could be undertaken through administrative action by the NEA, federal support for the arts is too important to leave the measures of accountability solely in the discretion of the individual who heads the agency. At this moment we have in John Frohnmayer as chairman of the National Endowment for the Arts someone who is regarded by all as ideally suited to exercise this authority, but there must be statutory guarantees that the National Endowment for the Arts will have certain indices of accountability as a matter of standard, defined operating procedures.

To improve the accountability of the National Endowment for the Arts in its mission of providing public support for the arts in America, we recommend the enactment of the following proposals:

1. The National Council on the Arts composition should be expanded to include wide geographic distribution, diverse cultural representation, and varied aesthetic representation. The Council, as part of the citizen advisory system used by the NEA to deliberate on its policy and grant-making decisions, should reflect the full spectrum of citizens of this nation when knowledgeable individuals in the arts are proposed by the President for appointment. These considerations are already enumerated in the law for selecting NEA panelists.

2. NEA panels, by law, should include, in addition to experts in the arts, knowledgeable lay persons who have avocational knowledge of an artistic field and represent the public interest in experiencing the best art. Lay persons can ask questions and raise issues reflecting the public's interest that may often be overlooked by those so actively and professionally involved in an art form The inclusion of lay persons on NEA panels is not meant in any way to diminish the criteria for panelists already set forth in the enabling legislation.

3. National Council on the Arts grant-making and policy discussions should be held in open public meetings. By meeting in an open process, justification for decisions on grants and policy is given responsibly and the public feels a measure of confidence lacking when decisions are made behind closed doors.

4. As with the National Council, the NEA statute should mandate that panel discussion of grant applications and on policy be conducted in public session. NEA funding recommendations ultimately reached in open discussions based on the best available information, with sufficient administrative flexibility to prevent any adverse effect on the panel's deliberations, will ensure a more accountable system built on public trust.

5. Discussion summaries of panel deliberations should be made available upon request to the public as a way of accounting for why the panel acted as it did. Summaries can serve to inform about panel policies and decision-making criteria. The record then becomes part of the public explanation of the panel's discussion which can help to guide the National Council on the Arts in its own deliberations.

6. The statute should require that the National Endowment for the Arts institute a formal appeals process whereby an unsuccessful applicant could in writing question a grant-making decision. The purpose of the appeals process would be, not to impose different aesthetic choices, but to review the procedure by which the decision was made, to review the fairness of the decision, or to review the impartiality of the grant application process. A special appeals panel, meeting in public, would review all written appeals.

7. In order to provide greater accountability and diversity of viewpoints, the statute should establish a minimum size for NEA panels. Panels dealing with support for institutions should consist of a minimum of 15 panelists, and those dealing with support to individual artists should have a minimum of 7 members.

8. Because government support for the arts is intended to benefit the public and enlarge upon the public's opportunities to experience and understand the arts, NEA's panels should consider, in addition to the existing aesthetic quality criteria, evidence of an applicant's attention to community involvement in its programs.

This additional criterion would look at the nature and evidence of support, including financial, the project receives from the community it is meant to serve, the ways in which its proposed project addresses the applicant's mission to its community, and the extent of public service engaged in by the applicant arts group, in order to determine the ways in which projects are locally generated and grounded in the community.

These additions to the NEA's authorizing statute should have the effect of making the Endowment more open, more responsive to local concerns, and more representative of the broad sweep of cultural expression in America. The National Endowment for the Arts should be better able to show Congress and the American people that its decisions on the use of federal funds for the arts are made through a process that is responsible and visible.

FEDERAL-STATE PARTNERSHIP

Let me now discuss from the perspective of the state arts agencies how federal funds successfully combine with other public and private money to support the arts.

The NEA authorizing legislation establishes a federal-state partnership providing each member of that partnership an ability to implement and initiate programs and activities that neither partner could do successfully alone.

The Kansas Arts Commission was originally created by the Kansas Legislature in 1965 to serve as a conduit for federal grants from the National Endowment for the Arts. The initial state legislative appropriation in 1966 was $3,000, and the first NEA grant to the Kansas Arts Commission was just over $30,000.

For the Kansas Arts Commission's current fiscal year budget of $1,825,791, the Kansas Legislature appropriated $1.1 million, the largest amount ever, and the total in NEA funding is $608,109. The remaining $60,000 is derived from private support.

One reason why support from the state of Kansas has grown, actually doubling over the past two years, is the increasing awareness that the arts have both a direct and indirect impact on economic development issues, particularly quality of life. Leadership from the NEA, in the form of special grant categories for state arts agencies, has also enabled the KAC to use small increases in federal dollars as a way of generating increased private and state support.

For example, the KAC was able to access the NEA's special component for state arts agencies in the Design Arts Program as a way to augment the KAC existing Capital Aid program which provides funding for arts facilities in Kansas communities. The NEA funds were used to assist communities as large as Dodge City (population 18,001) and as small as Courtland (population 377) with design issues and planning for cultural facilities.

Like many other state arts agencies, the Kansas Arts Commission regrants most of its NEA funds to Kansas communities to support a wide variety of arts projects, including such family-oriented activities as festivals, outdoor concerts, children's theatre performances, and educational outreach activities which promote life-long learning in the arts.

Last year, the KAC awarded nearly $1.2 million in state and federal funds ($422,000 from the NEA) to over 700 applicants. Kansas communities used these funds to levy an additional $7.4 million in local support for a total fiscal activity of $8,640,861 just among the art agencies which are funded by the KAC. This equals nearly $4 per Kansan. (See chart attached.)What these numbers translate into is an important quality of life factor for Kansans. As any one who lived in Kansas 25 years ago can testify, the impact of the creation of the NEA and the Kansas Arts Commission has lead to a much wider participation in and access to the arts in Kansas. No longer are arts activities found only in a handful of larger cities nationally, or in such larger Kansas communities as Wichita, Lawrence, Topeka, or Kansas City.

Due to the NEA and the federal-state partnership, there has been a further phenomenon, the local arts council movement. Many Kansas communities have felt so strongly about providing art experiences for their citizens, even where there were no existing arts institutions offering arts resources, that scores of communities created their own arts programming agencies, local arts councils. Kansas has over 80 local arts councils, the most per capita in the country. These agencies not only have taken on providing programs for schools, arts classes for adults, band concerts, and community theatre, they have also helped to nurture the development of new arts agencies, such as theatres, arts centers, and writers clubs.

Among the myriad of arts activities funded by the KAC with federal and state funds are arts education programs. Nearly half of the KAC's program budget is awarded to Kansas communities to support in-school, after-school, and summer outreach educational programs. Educators and other community members acknowledge the important role that the arts play in developing among children creative problem solving and critical thinking.

Nearly every Kansas community has access to arts education programming supported in part by the NEA. For example:

—The Unified School District of West Graham-Morland, located in Morland, population 224, in northwest Kansas received $3,500 in NEA funds out of a total grant of $7,000 to support an artist residency in 1989. This was the third year that the Morland school (there is only one school building for all grades) had a visual artist in residence. The school administrators noted that "we need a way to bring art to the community . . . economically on a continuing basis to increase the exposure [to] contemporary thought and visual awareness." As a result of the success of the 3-year residency, Superintendent James A. Deines said that "more and more requests are coming from the community at large utilizing the resource of the artist and the students working with him. This has contributed to a change of attitude [from] art as being something to be feared to art as . . . part of everyday life." A total of 6,530 people—twice the entire county population benefited from this 9-month residency in the tiny community of Morland.

—A performance by the Kansas City, Kansas-based Theatre for Young America in Satanta (population 1,110) made it possible for area children to see a live, professional theatre performance, a rarity in a county with a population of 3,814. The touring theatre group, supported by KAC and NEA funds, presented 2 performances for preschoolers through 6th graders from 5 area schools and 3 preschools. The project widens the children's artistic viewpoint through various aspects of stage play, plus provides a basis for additional classroom study and projects. The cooperation of the schools in providing transportation for the 800 children is testimony to the value of the project for citizens in Haskell County in southwestern Kansas.

The KAC's state and federal funds are regranted to over 700 applicants through a rigorous review process involving scores of citizens knowledgeable about the arts and/or cultural resources. The KAC is held responsible by our state legislature through open meeting laws and other regulations to provide a thorough measure of accountability.

Just last week I sat through four panel meetings reviewing 136 grants and again marveled at the democratic process at work. A team of people from all over Kansas poured over their decisions. It is a grueling process, because the grant requests totaled over $1.3 million and there was only just over $500,000 to award. The panel considered artistic quality, as determined by the community; community impact and support; and fiscal and administrative management. They were tough, fair-minded, concerned and dazzled by the wonderful arts activities which provide Kansas communities such a high quality of life. These panelists—corporate leaders, educators, volunteer leaders, artists, historians, chamber of commerce directors, public television managers, and arts administrators—represent the community values of the majority of Kansans.

While Kansas has only a handful of arts institutions which apply for and receive NEA grants, an additional $232,000 in direct grants were awarded in FY 89. Additional federal funds are granted to Kansas communities through the programs developed by Mid-America Arts Alliance, a regional service agency whose area includes Kansas. NEA funds have been awarded by Mid-America Arts Alliance to 72 Kansas communities for performing arts events on tour, to 243 communities for touring visual arts exhibitions, and to 24 visual artists for fellowships. Mid-America Arts Alliance estimates that over the past 17 years, the total fiscal activity of M-AAA programs in Kansas is $8,522,980. In 1989 over 96,000 Kansans benefited from M-AAA activities funded by the NEA.

THE ROLE OF PUBLIC ARTS FUNDING

Most of the funding that has been awarded by the National Endowment for the Arts and by state arts agencies as well goes to support widely appreciated work by artists and institutions that has been and continues to be broadly accepted by the general public.

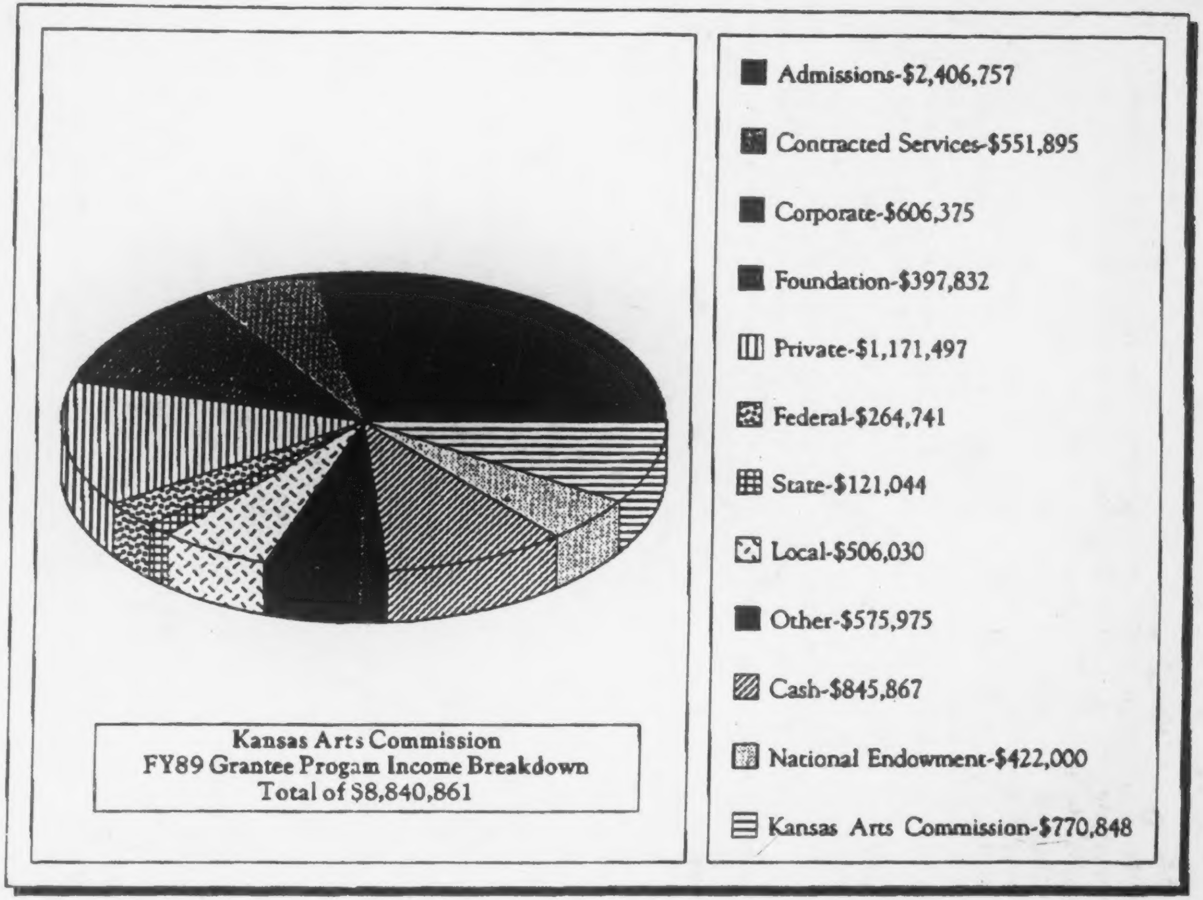
There is also an aspect of public funding which provides support for art and artists that are not yet widely accepted, and sometimes controversial; work that is of interest to few, and may represent a minority cultural voice heard by a misinterpreting audience.

There is room for both approaches. By supporting the risk-takers as well as the generally popular, the National Endowment for the Arts provides to the American people the opportunity to choose in ways that reflect our needs, concerns, and vision as a nation, and fulfills government's responsibility to all its people, majority and minority alike.

We should not deprive Americans of options related to intellectual stimulation and cultural experience. It is not the American way. There is room in our country for diversity of culture, diversity of experience and diversity of creative expression. The National Endowment for the Arts has been instrumental in fostering these democratic ideals over the past twenty-five years by working in partnership with the states to ensure that the arts get to all our citizens, that established artists and institutions are supported in their work, and that experimental artists and institutions are recognized and appreciated for the risks they take as well.

The Arts Endowment's enabling legislation has made it possible for NEA to deliver not only the best art created in this country, but also at times the best, and most daring and most controversial. The National Endowment for the Arts has and should continue to support art which helps us explore, explain and understand our similarities, our differences and our struggles to become a more perfect union.

[The Chart for The Kansas Arts Commission follows:]



Kansas Arts Commission
FY89 Grantee Progam Income Breakdown
Total of $8,840,861

Senator **Pell**. Thank you very much, Ms. Ilgen.

Ms. Rabb.

Ms. **Rabb**. Thank you.

Mr. Chairman and distinguished members of the subcommittee, wherever you are, the National Assembly of Local Arts Agencies wishes to submit this testimony for the record on behalf of the reauthorization of the NEA.

I speak from the perspective of having served as the executive director of the Department of Cultural Affairs, Office of Fine Arts for 6 years. I am also a practicing artist, a former member of the board of NALAA, a member of Arts Midwest, and I serve as a panelist with the NEA Locals Program. It is against this background that I would like to share my thoughts with you today.

NALAA is the national organization which serves over 3,000 local arts agencies across the Nation. A local arts agency is a community organization, a public agency of a city or a county government, it primarily provides financial support, services, and other programs for a variety of arts organizations, individual artists and the community as a whole. They are referred to by such names as arts commissions, arts councils, municipal arts agencies, united arts funds, etc. Large and small, rural and urban, they cover the country.

Now, they function very much like the NEA, only at the local and community level. They know the needs of their constituents and attempt to address them. They serve as a unified voice for the arts community and a vehicle for educating the general public about the values and the significance of the arts and, importantly, they have the responsibility of making the arts accessible, inclusive, reflective of our country's racially, ethnically, and socially diverse arts constituencies and the general public.

Now, these are the kinds of activities we are supposed to be engaged in, but during the past year, due to issues of censorship, restrictive language and assaults on the integrity of the NEA grantsmaking process, arts administrators and artists across the Nation are functioning in an environment of suspicion and caution. Arts administrators and artists are confronting whether they want to be held liable for exhibiting or creating so-called unacceptable works of art. There is a chill in the air. The arts have become the whipping boy and fair game. This must stop.

Right now, a few politicians and some of their supporters are conspiring to pull of the biggest art heist in the history of the USA. They are working to eliminate the NEA, our government's primary support for American arts institutions and education. That is theft and we could all become the victims.

Some people are twisting a few examples of controversial grants into an indictment of the whole NEA. The same logic could wipe out virtually every government department and every business in the USA, but the arts is an easy target. What is not being said loudly enough is that support for the arts must be seen in the context of the vast array of support that the NEA provides. Reauthorize it, not timidly, but proudly.

There should be no language that would mandate what can or cannot be funded in the reauthorization. Expand the NEA financially. It needs more money to cover more bases. Expand it conceptually, so that it pays more attention to issues of cultural diversity and populations that need support, social problems, and that it looks at how the arts serve the culture. Expand the role and support for local arts agencies.

James Baldwin said, "I think the artist is a disturber of the peace. He is produced by the people, because the people need him. The people may not like him. They may stone him, but they need him. His responsibility is to bear witness to and for the people who produce him—you have to bear in mind that everybody wants an artist on the library shelf, but nobody wants him in the house."

It is time for the country to decide whether American artists are to be placed on the library shelf or if we will welcome them to our house.

Senator Pell and distinguished members, I applaud you for creating and mandating the NEA, but I hope that you will have the courage of your convictions. On behalf of NALAA and the local arts agency movement across the Untied States, I thank you for this opportunity.

[The prepared statement of Ms. Rabb follows:]

PREPARED STATEMENT OF MADELINE MURPHY RABB

Mr. Chairman and distinguished members of the subcommittee, the National Assembly of Local Arts Agencies (NALAA) wishes to submit this testimony for the record on behalf of the reauthorization of the National Endowment for the Arts.

I speak from the perspective of having served as the Executive Director of the City of Chicago Department of Cultural Affairs, Office of Fine Arts, for six years; as an artist; as a former member of the board of directors of NALAA, and numerous other professional boards; and as a panelist for the National Endowment for the Arts (NEA) Locals Program. It is against this background that I would like to share my thoughts with you today.

HISTORY OF LOCAL ARTS AGENCIES

NALAA is the national organization which serves the more than 3,000 local arts agencies across the nation. A local arts agency is a community organization private nonprofit, usually 501(c)(3) or a public agency of city or county government which primarily provides financial support, services, or other programs for a variety of arts organizations and/or individual artists and the community as a whole. They are referred to by such names as arts commissions, arts councils, art centers, municipal arts agencies, united arts funds, etc.

Ranging from very large local arts agencies such as Chicago's Department of Cultural Affairs to medium sized ones such as the Arts & Science Council of Charlotte and Mecklenberg in North Carolina to smaller ones like the Steamboat Springs Council on the Arts in Steamboat Springs, Colorado, they have several things in common:

—They know the local needs of their constituents and attempt to address them;
—They serve as a unified voice for the arts community and as a vehicle for educating the general public about the values and significance of the arts; and
—They have the responsibility of making the arts accessible to and inclusive and reflective of our country's racially, ethnically, and socially diverse arts constituencies and the general public.

Now, these are the kinds of activities we are supposed to be engaged in but, during the past year, due to issues of censorship, restrictive language, and assaults on the integrity of the NEA's grant-making process, arts administrators across the nation are functioning in an environment of suspicion and caution that could inhibit creative expression by artists for fear of not having a venue for any work that represents an aesthetic reflecting difficulty or expressing anger or an unpopular point of view. Arts administrators are confronting whether they want to be held liable for "unacceptable" works of art. There is a chill in the air. For the first time in recent memory, there is the possibility that funding for the NEA could disappear, or become so restrictive as to constrain or limit creativity. It seems to have been forgotten that some of this country's most compelling art forms—ranging from Negro spirituals and the blues to the writings of Tennessee Williams and Maya Angelou to the music performed by Dexter Gordon to the dance of Katherine Dunham and Twyla Tharp—all have their roots in a vision that is a departure from the so-called mainstream and is often initially controversial, unaccepted, and ignored.

The arts have become the whipping boy and fair game. This must stop. Right now, a few politicians and some of their supporters are conspiring to pull off the biggest art heist in the history of the USA! They are working to eliminate the NEA—our government's primary support for American artists, arts institutions, and arts education. That's theft, and we could all become the victims. You know how vocal and organized the opposition is. They play on all our concerns about government programs. Some people are twisting a few examples of controversial grants into an indictment of the whole NEA. That same logic could wipe out virtually every government department and every business in the USA. But the arts are an easy target. What is not being said loudly enough is that support for the arts must be seen in the context of the vast array of support the NEA gives.

THE CURRENT STATE OF AFFAIRS

Many of you have been contacted by organizations and individuals who profess to speak for the public. They do not represent the voices of local arts councils of this nation or of the general public. A recent poll conducted by People for the American Way reveals that Americans overwhelmingly reject efforts by anti-arts activists to restrict or censor art. Let me expand for a moment on the local arts agency movement in America. Local arts agencies function similarly to the NEA but at the community level.

Beginning with only a few such organizations in America in the late 19405, the movement is well over 3,000 organizations strong today and growing. Over $500 million is funneled through local arts agencies to artists, theaters, symphonies, museums, and every other aspect of the art world. A mere $2 million is invested by the NEA through the Locals Program at this time, but changes in reauthorization language in the past have made even this reinvestment possible today. For the future, it is our hope that this incredible leveraging force of the local arts agency movement will be strengthened and supported even more on the federal level. To that end, we are submitting language changes to you that clarify the definition and role of local art agencies and ask for an even stronger partnership through planning between local arts agencies and the state arts agencies.

REAUTHORIZE THE NEA: THE TRICKLE DOWN EFFECT

It is also important to expand the NEA financially so it can help even more artists and arts organizations. Support from the NEA Locals Program has created phenomenal opportunities for local government. That program, since 1984, has enabled many local art agencies to secure and match federal dollars on a 2:1 ratio with local dollars. These dollars have been used to create new grants programs in some cities; have allowed others to do cultural planning; and have provided leadership training to art administrators so they can manage the challenges facing them. Without federal support, these activities would not have been possible. Furthermore, without government funding for the arts, most people could not afford to attend cultural events. Public funding helps defray ticket costs, assists in organizing free performances, and brings arts and artists into the schools, just to name a few examples.

PUTTING THINGS INTO CONTEXT

One of the most interesting outcomes of the various controversies occurring recently is that people are talking, debating, and fighting about art. At times, it has been a dubious distinction. And what is appalling is that so many people don't understand the arts. Our education system has deprived a whole generation of young adults of exposure and education in the arts. Yet controversies have made people want to go to museums, some for the very first time. But many are going with no point of reference—no context—only "I don't know anything about art, but I know what I like." Such a limited exposure and education fosters misinterpretation, making full understanding of what they are seeing difficult or impossible. Art that challenges conventional mores and values consequently becomes misinterpreted and labeled as inappropriate, sacreligious, or obscene. This kind of uninformed observation comes from not understanding the work in its overall context. Unless we become better educated in the arts, we will become a society of cultural illiterates.

EXPAND THE NEA

As the census will show, populations across the United States are increasingly becoming multicultural and multiracial. There is a pressing need for a spirit of global community that respects and reveres racial, ethnic, and cultural differences and similarities. This county is in the midst of a cultural renaissance. New cultural organizations having distinct and often unique missions are exploding on the horizon, many coming from non-Eurocentric perspectives. Many new cultural groups have emerged from a social service perspective or religious perspective to fill a void or enable a racial or ethnic group to "tell its own story" in a way that is unique and authentic. Therefore, the NEA must expand conceptually to ensure access to the arts for all Americans: First, to meet the needs of culturally diverse people; second, to provide access to such underserved constituencies as inner-city populations and rural communities; third, to create an environment of arts education as part of lifelong learning; and, fourth, to increase support of the Locals Program at the NEA.

James Baldwin said: "I think the artist is a disturber of the peace. He is produced by the people, because the people need him. The people may not like him. They may stone him, but they need him. His responsibility is to bear witness to and for the people who produce him . . . you have to bear in mind that everybody wants an artist on the library shelf, but no one wants him in the house."

It is time for this country to decide whether American artists are to be placed on the library shelf, or if we will welcome them into our house.

Senator PELL. Thank you very much, indeed, Ms. Rabb.

Ms. Martin.

Ms. MARTIN. Thank you, Senator Pell and members of the committee. I very much appreciate the opportunity to be here today to testify in support of the reauthorization of the National Endowment for the Arts.

My testimony is presented as chair of the national Coalition for Education in the Arts. The coalition has as members over 40 organizations, including arts education organizations, as well as professional presenting and performing organizations. I represent the International Council of Fine Arts Deans, as a member of that coalition.

Incidentally, 65 percent of the arts educators in this Nation are prepared at institutions belonging to the International Council of Fine Arts Deans.

At the heart of quality art and quality arts education is the fostering and promoting of creativity. My comments will be directed toward arts education, but with the understanding that without quality arts, you cannot have quality arts education.

At the last meeting of our coalition, the following resolution was passed: "The National Coalition for Education in the Arts supports the reauthorization of the National Endowment for the Arts and additional funds for the National Endowment for the Arts, with increased support for education. Further, we recommend the exploration of various roles that the National Endowment for the Arts and other Federal agencies can play in support of arts education."

Arts education and the National Endowment for the Arts' role, as catalyst and facilitator, is critical to the improved landscape for American education and the arts in America. A society that perpetuates cultural deprivation, perpetuates an at-risk society. Every community, whether large or small, rural or urban, faces the problem of at-risk students, as well as gifted and talented students.

The density of the problem in urban areas and the additional burden of geographic remoteness in rural areas, demonstrates the urgency of redefining strategies for helping the at-risk student, as well as the gifted and talented, many of whom become at-risk; and new strategies may well focus on the arts. Recently completed research at New York University, funded through a grant from the National Endowment for the Arts, has aptly demonstrated the importance of strong arts programs to both at-risk and/or gifted and talented, and in the identification of gifted and talented from among who were formerly thought of as at-risk.

We must provide students in grades K through 12 the opportunity to cultivate skills beyond the traditional emphasis on the three R's. We must provide our society with the ability to communicate through the abstract language of the arts.

In order to function as thinking human beings, we must be able to communicate at many levels. We must be able to communicate in symbols and images beyond those taught in reading and mathematics. Unfortunately, the importance of the arts to building minds has all too often been ignored.

The goal of arts education is not simply to increase the number of arts practitioners—to ensure first-chair instrumentalists for our symphonies, actors for our professional stages, or dancers for our dance companies. We are campaigning for an educational system that addresses the child as a thinking and creative human being.

In the process, we will increase the sensitivity of our urban populations to the arts, and more minority students may well be involved in skills instruction in all the arts. Arts education addresses some of the long-term concerns of our artists and professional presenting organizations. The arts and arts education are allies. Arts education depends on the well-being of the arts, and the arts spend on the well-being of arts education.

The National Endowment for the Arts must continue to function as catalyst and facilitator in promoting and nurturing the arts and the disciplines of arts education. The NEA must continue to provide challenge grants to develop and provide arts education in our school systems; to assist with the delivery of arts performance within the schools, as well as providing artist residencies; to support research in arts education, such as the work briefly cited at New York University, and to work with arts education organizations in the development of strategies for improved and increased arts education curricula and programs.

In conclusion, we must remember that by ignoring education in the arts, we perpetuate an at-risk society. We must not accept any condition that deprives our society of the right to communicate through the arts. Rather, we must ensure the broadest possible opportunities for the development of mind and intellect by providing access to the modes of learning inherent in arts education, thereby providing many intuitively bright and creative children with the opportunity to find success somewhere in order to comprehend the concept of succeeding anywhere.

The NEA must be reauthorized. The quality of our country's future is dependent on the quality of the arts and arts education and the ongoing ability to foster and promote and understand creativity. Thank you.

[The prepared statement of Ms. Martin follows:]

PREPARED STATEMENT OF KATHRYN A. MARTIN

Senator Pell and Members of the Committee: Thank you for the opportunity to testify in support of the reauthorization of the National Endowment for the Arts. My testimony is presented as chair of the National Coalition for Education in the Arts. The coalition has as members over 40 organizations, including arts education organizations, as well as professional presenting and performing organizations. I represent the International Council of Fine Arts Deans in the Coalition. At the heart of quality arts and quality arts education is the fostering and promoting of creativity. My comments will be directed toward arts education, but with the understanding that without quality arts, you cannot have quality arts education and vice versa.

At the last meeting of our coalition, on February 22, 1990, the following resolution was passed:

"The National Coalition for Education in the Arts supports the reauthorization of the National Endowment for the Arts and additional funds for the National Endowment for the Arts with increased support for education. Further, we recommend the exploration of various roles that the National Endowment for the Arts and other Federal agencies can play in support of arts education."

Arts education, and the National Endowment for the Arts' role, as catalyst and facilitator, is critical to an improved landscape for American Education and the Arts in America. A society that perpetuates cultural deprivation, perpetuates an at-risk society. Every community, whether large or small, rural or urban, faces the problem of at-risk students. The density of the problem in urban areas and the additional burden of geographic remoteness in rural areas, demonstrates the urgency of redefining strategies for helping the at-risk student, as well as the-gifted and talented, many of whom become at-risk; and new strategies may well focus on the arts. Recently completed research at New York University, through a grant from the National Endowment for the Arts, has aptly demonstrated the importance of strong arts programs to both at-risk and/or gifted and talented.

Why arts education? Arts education provides an experience whereby we develop the security to communicate; and arts education provides the experiences whereby we develop those sensitivities that enable us to respond rather than to react.

At the core of the creative person is the initiative to respond and to inquire, the self-discipline to triumph over adversity which often results in the "sticktoitiveness" of problem solving. Arts education contributes to visual and cultural literacy.

We must provide students in grades K through 12 the opportunity to cultivate skills beyond the traditional emphasis on the three R1s. We must provide our society with the ability to communicate through the abstract language of the arts. In order to function as thinking human beings, we must be able to communicate at many levels. We must be able to communicate in symbols and images beyond those taught in reading and mathematics. Unfortunately the importance of the arts to building minds has all too often been ignored. And, the three R's have been the central focus of improving our educational systems. Alternate communication skills allow the opportunity for all children to develop both their intellectual and emotional capacities; and the opportunity to learn to use facts creatively—to be creative, rather than to rely on rote memorization. Creative activity is what is unique about the arts. The arts are not "2 + 2 = 4," or "yes/no" or "multiple choice;" the arts require thought, skills and self-discipline.

The goal is not simply to increase the number of arts practitioners—to ensure first-chair instrumentalists for our symphonies, actors for our professional stages, or dancers for our dance companies. We are campaigning for an educational system that addresses the child as a thinking and creative human being. In the process, we will increase the sensitivity of our urban populations to the arts, and more minority students will be involved in skills instruction in all the arts. Arts education addresses some of the long term concerns of our artists and professional presenting organizations. The arts and arts education are allies. Arts education depends on the well being of the arts; and the arts depend on the well being of arts education.

The National Endowment for the Arts must continue to function as catalyst and facilitator in promoting and nurturing the arts and the disciplines of arts education. The NEA must continue to provide challenge grants to develop and provide arts education in our school systems; to assist with the delivery of arts performances in the schools, as well as providing artist residencies; to support research in arts education, such as the work at New York University, and to work with arts education organizations in the development of strategies for improved and increased arts education curricula and programs.

In conclusion, we must remember that by ignoring education in the arts, we perpetuate an at-risk society. We must not accept any condition that deprives our society of the right to communicate through the arts. Rather, we must insure the broadest possible opportunities for the development of mind and intellect by providing access to the modes of learning inherent in arts education. Thereby providing many intuitively bright and creative children with the opportunity to find success somewhere in order to comprehend the concept of succeeding anywhere. The NEA must be reauthorized. The quality of our country's future is dependent on the quality of the arts and arts education; and our ongoing ability to foster and promote and understand creativity.

At the recent Nancy Hanks Lecture, Maya Angelou reiterated, "quality arts are for all of the people, all of the time." Only through the continued and enhanced fostering and developing of creativity by the National Endowment for the Arts will "quality arts for all of the people, all of the time," become a reality. Thank you.

Senator PELL. Thank you very much, Ms. Martin.

We will now turn to Mr. Lazarus.

Mr. LAZARUS. Thank you, Mr. Chairman and members of the committee.

I am Fred Lazarus and I am representing today the National Assembly for Visual Arts Education. I am also a member and former founding chairman of the National Coalition for Education in the Arts that Dr. Martin represents today.

I am here speaking to the issue that we find most critical to fostering creativity and to creating a climate that understands the creative process.

Although there have been many reasons for growth in the arts during the last 25 years, certainly the National Endowment for the Arts and the State and local arts agencies, through the work that they have done and the role that they have played, have been a major factor.

You have heard strong testimony documenting this and there is a proven value through this agency and documentation stating why it ought to be reauthorized.

There is, however, only one area where the trends over the last 25 years been negative and that is arts education. The lack of progress in arts education and, in many cases, the deterioration of education programs and opportunities have also been the result of many factors in this country. However, the endowment's lack of ability to provide leadership in this area is certainly a contributing factor.

Mr. Chairman, you and your committee have consistently expressed your desire for more initiative for the National Endowment for the Arts in this area. The National Endowment, in its report "Toward Civilization," which you requested, stated that it should be playing a role similar to the National Science Foundation.

Another report initiated over a decade ago by Nancy Hanks and Ernest Boyer, then Commissioner of Education, mandated the National Endowment for the Arts' leadership in the education of professional artists. However, the past 25 years have demonstrated that the structure and nature of the National Endowment for the Arts inhibits its ability to provide the kind of effective leadership required in arts education in this country.

Today, Mr. Chairman, I ask you and the committee to consider developing a new structure for the National Endowment for the Arts that will provide arts education the degree of leadership it desperately deserves and needs. Leadership to provide resources and the mandate to move ahead in the following areas:

To promote and encourage the development of improved curriculum guides, course and curriculum materials for our schools; to work with the Department of Education to enhance the assessment tools and resources; to improve the quality of teachers and artists; to develop research to provide needed data in the field of arts education; and encourage the arts institutions to work with the education agencies and organizations in the development of quality arts education programs.

A comprehensive program of support for arts education will require a commitment equal to that that has been done in the past for arts institutions. However, in this case, it cannot be done without the institutions and the arts agencies. They should and must be a resource and a means to the end. In addition, the endowment must utilize the Nation's educational institutions and the education agencies that are committed to the professional development of artists and arts educators, as well as the State and local arts agencies.

Mr. Chairman, I ask you, in this round of authorization, to develop a structure within the National Endowment for the Arts which will keep the report that you mandated from being put on the shelf and forgotten. It will make it become the plan for new leadership in arts education. Thank you.

[The prepared statement of Mr. Lazarus follows:]

PREPARED STATEMENT OF FRED LAZARUS

Mr. Chairman, Members of the Committee: I am Fred Lazarus, representing the National Assembly for Visual Arts Education. I am also a member and former founding chairman of the National Coalition for Education in the Arts that Dr. Martin represents. I am here speaking to the issue that we find most critical to fostering creativity and to creating a climate that understands the creative process.

Nineteen-ninety marks the 25th anniversary of the founding of the National Foundation of the Arts and Humanities. During this period, the arts in this country have seen remarkable growth. Statistics abound on the growth in audiences and in the geographic dispersion of the arts.

Although there may be many reasons for these changes, certainly the National Endowment and state and local arts agencies have played a major role at hearings. Today and earlier, you have heard strong testimony documenting this.

There is only one area where the trends have been negative—art education. The lack of progress in art education, and in many cases, deterioration of education programs and opportunities have also been a result of many factors; however, the Endowment's inability to provide leadership in this area has certainly been a contributing factor.

During the past decade, there has been significant discussion on the status and needs of art education at the elementary and secondary level. In the late 70s there was a focus on the education, training and development of the professional artists. In spite of the significant dialogue and rhetoric, little has or is being done in these areas.

Mr. Chairman, you and your committee have consistently expressed your desire for more initiative from the National Endowment for the Arts in this area. The National Endowment in its report "Toward Civilization," which you requested, stated that it should be playing a role similar to the National Science Foundation. The report, initiated over a decade ago by Nancy Hanks and Ernest Boyer, then Commissioner of Education, mandated National Endowment for the Arts' leadership in the education of professional artists. However, the past 25 years have demonstrated that the structure and nature of the Arts Endowment inhibit its ability to provide the effective leadership required in arts education.

Today, Mr. Chairman, I ask you and the committee to consider developing a new structure that will provide arts education the degree of leadership it desperately deserves. Leadership to provide the resources and the mandate in the following areas at the elementary and secondary levels:

1. Promote and encourage the development of improved curriculum guides, courses and curriculum materials
2. Work with the Department of Education to enhance the assessment tools and resources
3. Improve the quality of teachers
4. Develop research to provide needed data to the field
5. Encourage the arts institutions to work with the educational agencies and organizations in the development of quality arts education.

These initiatives at the elementary level will foster in this country an understanding of the arts and a foundation upon which the nation's commitment to the arts can and will be built. However, the educational mandate of the National Endowment for the Arts does not end with the elementary level or the secondary level. This is the beginning. The National Endowment for the Arts must begin to see its mandate of fostering the creative talents and resources of our nation as one of allowing our artists to have access to the resources they need to grow and mature—in other words, to educate and develop their talent and insights.

A comprehensive program of support for the artist will require a commitment equal to what has been done in the past for the arts institutions. However, in this case, the institutions should and must be a resource and a means to the end. In addition, the Endowment must utilize the nation's educational institutions that are committed to the professional development of the artists as well as state and local arts agencies.

Mr. Chairman, we ask you in this round of authorization to develop a structure within the National Endowment for the Arts which will keep the report you mandated from being put on the shelf and will make it become a plan for new leadership.

Senator PELL. Thank you very much indeed.

Your thought about education in the schools is a good one. We had the bare bones of that in past legislation and we would like to pursue it again, perhaps in the ways you suggest.

I would like to turn to the ranking minority member for her questions.

Senator KASSEBAUM. Thank you very much, Mr. Chairman.

I regret that I have to leave soon, but I would just say—and I know this is a parochial interest—that we are very proud in Kansas of the work that Ms. Ilgen has done with the Kansas Arts Commission.

Ms. ILGEN. Thank you.

Senator KASSEBAUM. I was pleased to hear that you suggested some process changes that I think have great merit. I would like to ask you and other members of the panel, if you believe these process changes would have some merit, should the be included in the actual statutory language, the authorizing statute?

Ms. ILGEN. That is exactly what the National Assembly of State Arts Agencies is proposing, in part because they are very important and should not be left to the administrative leader, that they should be institutionalized for the duration of the NEA, or at least until the next reauthorization, I guess. Most State arts agencies operate under similar procedures and procedural changes would go a long way in instilling greater confidence in people in the process when NEA does go through making its grants.

Senator KASSEBAUM. Ms. Rabb, how would you feel about that?

Ms. RABB. I think that many of the decisions that are made in the peer process are accurate, appropriate and they come from enlightenment of those panelists that are chosen to serve. I think when you look at significant changes in the language of the reorganization, we have to be careful about how restrictive it is and how short-lived it is, so that we do not continually have to review the language and change it.

I think that within the various programs there are procedures and guidelines, and perhaps that is where there needs to be some consistency. There will be, of course, the opportunity for a number of individuals to review the panel process and I would think that some of the problems that I have seen across the board are that there are inconsistent ways of ranking and assessing, so I see that as an opportunity within the endowment and among the staff to review some of that.

Senator **Kassebaum**. In panels, for instance, in Illinois, do you have lay members?

Ms. **Rabb**. We have a wonderful array of panelists. Under my leadership, actually, I began to see that there was not significant representation from across the breadth and depth of the City of Chicago and I saw it important that there be racial and social and geographic representation, with a primary representation of arts expertise. It was a combination. I think that combination is particularly important, because each neighborhood, each community has a perspective that needs to be heard in the context of grantsmaking in this city.

Senator **Kassebaum**. Dean Martin, I would like to ask you, what do you say to people who are critical of some of the NEA funded works?

Ms. **Martin**. I like to point out to them, first of all, Senator, that it is a very small minority. Just as all of us in the process of growing share in decisions that we make, hopefully, the errors are fewer than our successes, and I think that is what I like to point out, particularly to parents, that oftentimes the process of public granting and, in certain respects, is like raising a child. We allow for the child to err on the side of freedom; on the other hand, there are certain times that we have to go out and say you have gone too far. This may not be the right speech for every audience, but it is the one I use when I am talking with parents and I think it is appropriate that they understand that.

I think in that same way, just as the National Endowment for the Arts has been asked to review the grants-making process, I have heard some suggestions here that I would certainly support. It is the same way we all deal, it is the way I dealt in the classroom. You gave students certain sets of freedom to pursue curricula. If the curricula was not pursued and daydreaming to the extreme was, one went back in and apprised the situation. Most often, it was my fault and I had to take the stolid look at those procedures in that classroom. I think the same thing is true here.

Senator **Kassebaum**. Mr. Lazarus, do you think that some of the process changes suggested by Ms. Ilgen and others, because I think there are many who have raised a number of different structural and process changes, have some merit?

Mr. **Lazarus**. I am not sure that I am really competent to talk about it as effectively as they are. They are running agencies which have been dealing with panels and I have not and I really think that their experience is much better than I have.

Senator **Kassebaum**. Do you feel that such changes would help address some of the concerns that the public has and help reassure the public that, indeed, the process is working and that there is going to be a way to reward quality? I suppose we get into who defines, as the earlier panel was saying, quality, but I think it is something that most of us would feel we would know when we see.

Mr. **Lazarus**. I think if the panel's purpose is that of determining quality, I think people who are knowledgeable of what is quality should be the ones to make the judgment. There are panels that do things that are other than selective panels, based on quality, that are looking at policy questions and other issues of the agencies and those should be broad-based an they should be involved.

The groups, for example, in a museum that determine what the exhibitions will be in the museum is the board of trustees of that museum. That is a group that is from the community and, hopefully, broad-based within that community and they are making determinations as to whether that museum should or should not show an exhibit and that is where that decision ought to be. In my opinion, the funding agencies' decisions should be based on quality and the selection should be done by people who are knowledgeable of what quality is and those people, in my opinion, are trained experts in those fields.

Senator **Kassebaum**. One suggestion I have heard is that perhaps funding could be given after the fact, after a show has been presented or a symphony performed.

You obviously can allow for it in your budget if you believe it is important. Then the funding that would come after that could be of use to make up. In other words, if it is a successful exhibit or performance or show, then that additional funding would come after the fact.

Ms. **Rabb**. No, no, no. Please let me respond.

One of the big problems that our arts organizations face is a cash flow problem. They come up with wonderful ideas, they have to raise money. The application process for the NEA is so far in advance of the actualization of the project that many organizations, in effect, are subsidizing the programs before they get paid. It is not really healthy and it is not really right for them to have to take on that financial burden.

I would like to make another point, while I have your attention, and that has to do with the role of citizen panels. So often, they are just seen as voting and making decisions, but they contribute so much to the dynamics of a local arts agency, for example, because they provide a bridge between the so-called bureaucracy and the arts community at-large and the involvement, the consistent and broad-based involvement of these constituencies help us in government make more informed, sensitive, appropriate, timely decision, because these are the people who speak from the community. So often, in government, you can get tunnel vision and you can sometimes not see the forest for the trees. The importance of citizen panels cannot over overstated.

Mr. **Martin**. Senator, I would like to respond from a slightly different tact, if I may. It seems to me that the national arts agency should not be subjected to any different standard than any other government agency, and if we are going to wait to fund until we see the quality of the project, it will paralyze the government.

Senator KASSEBAUM. It would never be funded.

Mr. MARTIN. That is correct. I think we need to be careful about suggesting or entertaining limitations or restrictions that we are unable to equitably apply across our governmental agencies.

Ms. ILGEN. I would just to add that what is particularly troubling about that suggestion—I have heard it as well—is that organizations that are in rural communities that represent minority arts organizations and so forth have a difficult time accessing funds, and if they had to wait, if everyone had to wait until afterwards, what would happen is people who would be applying to the National Endowment for the Arts would tend to be well-funded organizations, major arts organizations, because the others just could not wait until after a period of time to get the funding.

The other thing is that a lot of communities look to funding from the State and Federal agencies, the National Endowment of the Arts has an reputation of excellence and actually organizations are able to leverage that money to get additional funding at the local level.

That is certainly true with a program that we have instituted with assistance from the National Endowment for the Arts, which is our rural arts program. Because there is money there and communities can access it, they have been able to raise the match, and at this point is only 25 percent and we provide 75 percent in the local community. It is easier to make a case to go to a local business or individuals if they know that the grant money will be there to ensure quality at the beginning.

Senator KASSEBAUM. Thank you very much.

Thank you, Mr. Chairman.

Senator PELL. Thank you very much.

I thank all of you for being with us—just one question. Why is that arts education has had such a hard time taking hold? I have been following this issue for almost 30 years and have not been able to get the concept accepted that the arts should be part of the regular curriculum of our Nation's schools. I would like to ask this of each one of you.

Ms. ILGEN. I think that schools are facing very many contemporary issues. Certainly, urban areas are dealing with a different set of problems than they may be dealing with in the rural areas, but I think the school administrators and school teachers have such an overwhelming burden of other social kinds of issues, that when the push comes for the funding of the arts, that often gets put on the back burner.

I do not think we as a Nation have done enough to educate the people or advocate, in general, the good benefits that the arts bring, in terms of creative thinking and problem-solving and, as a result, every year art teachers and administrators have to make over and over the case of adequate funding for arts education. I think a lot of the controversy that we are dealing with right now shows how much we have failed, that we are dealing with art illiteracy in this Nation.

Senator PELL. Thank you very much.

Ms. Rabb.

Ms. Rabb. There is very little I could add to that, except to say that arts in education really are in the same situation as the NEA is in relationship to government support for the arts, in terms of priority and the percentage of support that is given, so it is a matter of where government's priorities are.

Senator Pell. Thank you very much.

Ms. Martin.

Ms. Martin. From my perspective, Senator, I believe that those of us involved in arts education have not always done our best job of being sales people for the particular issues involved in arts education and the importance of it through the process of education. I do not believe that we have always been able to substantiate our claims with the kind of research and accountability related to the importance of the creative process involved in the arts that is necessary when dealing with school boards, principals, etc., and I think we are beginning to become more sophisticated in our approach and I think we have to, because of the inherent importance of arts education.

Senator Pell. Thank you.

Mr. Lazarus.

Mr. Lazarus. I agree with all the comments, particularly Dr. Martin. I also would like to add that the arts education activities in the schools have been badly hurt also by the lack of resources. There is a real paucity of curriculum material and other resources in the schools, there is a real need for in-service training and better pre-service training for art educators. There is a lot of activity that needs to take place and a lack of leadership and a voice to stimulate that has been very, very harmful to arts education.

If one were to look at the National Science Foundation and the role that they have played in elementary and secondary arts education and providing that kind of leadership and stimulate that kind of activity, one sees a tremendous useful model. Actually, even the sister agency, the National Endowment for the Humanities, has done a great deal more than the arts have done to provide leadership in those areas as well, and I think we are hurting for the lack of it.

Senator Pell. I thank you all very, very much indeed. The record will stay open until next Wednesday for any further expressions of thought you wish to put in.

I would now turn to Senator Thurmond, if he has any questions.

Senator Thurmond. No questions.

Senator Pell. No questions. Fine.

I thank the panel very much indeed for being with us and we will now turn to the fifth and final panel: Ms. Jane Chastain, Secretary for the Board of Directors, Concerned Women for America; and Mrs. Phyllis Schlafly, President of the Eagle Forum here in Washington.

Senator Thurmond. Mr. Chairman, if I could make a statement.

Senator Pell. Senator Thurmond.

Senator Thurmond. Mr. Chairman, I ask unanimous consent that my remarks appear in the record at the appropriate point for an opening statement.

Senator Pell. Without objection.

Opening Statement of Senator Thurmond

Senator Thurmond. Mr. Chairman, I would like to commend you for holding this second hearing on the reauthorization of the National Endowment for the Arts.

Today, this subcommittee will be hearing from five panels of distinguished witnesses who represent diverse interests. I am certain that the members of this subcommittee will benefit from the testimony that is to be presented.

The NEA serves a very useful role in promoting artistic endeavors in the United States. I support the reauthorization of the NEA, although I remain concerned about the funding of certain projects by the NEA, which many Americans have found to be distasteful and offensive.

Mr. Chairman, some individuals have asserted that the imposition of limitations upon public funds, especially in regard to artistic expression, constitutes censorship. I do not agree with this line of thought. The establishment of certain guidelines for the voluntary acceptance of public funds, by duly elected representatives of the citizens of our country, is neither censorship nor a violation of constitutionally guaranteed freedoms. We have a responsibility, as elected officials, to ensure that limited Federal funds are used appropriately.

It is important to remember that persons who wish to produce offensive works are at liberty to express themselves artistically as they wish. However, I am not convinced that such persons have the right to have the American taxpayers fund works "which, when taken as a whole, do not have serious literary, artistic, political or scientific value."

I am very pleased, Mr. Chairman, to welcome Ms. Jane Chastain and also Ms. Phyllis Schlafly. They are two of the finest women in America and I am very pleased to have them here.

Senator Pell. Thank you very much indeed, Senator Thurmond. Now we will turn to Ms. Chastain.

Ms. Chastain. Ms. Schlafly is going to go first, because she has a conflict.

Senator Pell. Fine.

Ms. Schlafly.

STATEMENTS OF PHYLLIS SCHLAFLY, PRESIDENT, EAGLE FORUM, WASHINGTON, DC; AND JANE CHASTAIN, MEMBER, BOARD OF DIRECTORS, CONCERNED WOMEN FOR AMERICA, WASHINGTON, DC

Ms. Schlafly. Thank you, Mr. Chairman and Senators, for giving me the opportunity to make a statement to your committee.

I am Phyllis Schlafly, author, journalist, radio commentator and President of Eagle Forum, a national conservative organization of volunteers, with chapters in all 50 States. Our 80,000 members are a good cross-section of taxpaying citizens who were shocked to discover what their money has been paying for through the National Endowment for the Arts.

The real issue is responsibility about spending the taxpayers' money. It is unfortunate that the recipients of this money have misrepresented the issue as "censorship." As Congressman Dick

Armey put it, "They can do what they want on their own time with their own dime." But when it comes to the taxpayers' money, we certainly have a right to say how it will be spent. Nobody has a "right" to receive unrestricted grants of the taxpayers' money.

What has brought the issue of NEA funding to the fore is the widespread publicity about NEA grants which have been spent to pay for products which are offensive to a tremendous number of Americans. These items of alleged "art" include materials which deliberately insult people of certain religions and the God they worship, or deliberately display obscenity and even child pornography.

Some have proposed that the Congress or the NEA should set up standards which would permit funding to continue to flow to "good" art, while baring it from offensive art. This solution is not practical, because it requires a Federal Ministry of Culture (as they have in totalitarian States) to decide which art is worthy of taxpayers' grants and which is not.

The futility of this approach is shown by the Op-Ed page of the *New York Times* of April 24, wherein a prominent grant recipient objects even to the restriction that the money will not be spent for obscenity or child pornography. NEA Chairman, John E. Frohnmayer, responds by practically apologizing for the restriction against obscenity.

Since obscenity (under the Miller decision) and child pornography are prosecutable offenses and have no protection under the First Amendment anyway, the notion that anyone should demand the right to spend the taxpayers' money to produce such materials shows how arrogant grant recipients have become, and how out of touch and irresponsible is the NEA. Chairman Frohnmayer's own statements show that he is unwilling to exercise responsibility over the money that passes through his hands.

The whole idea that a Federal agency should be in the business of deciding which artists may enjoy taxpayers' money, and which may not, is offensive to Americans. Every grant made by the NEA to one artist involved the rejection of applications by other artists. Every grant means a taxpayer subsidy to a favored artist and the censorship of others. Many fine artists were excluded from the flow of taxpayers' money when NEA grants were made for products that degraded Jesus Christ in unspeakable poses, that glorified aborted baby parts, that trampled on the American flag, and that exploited children for pornography.

Just because American taxpayers have not been up in arms before now is no indication that they approve of what has been going on in the past. Most Americans had no idea that Congress was spending our money this way. But now, as a result of the above-mentioned examples, American taxpayers have discovered the scam and they do not like it.

Congress should not be misled by the wide access that recipients of offensive art have to the national media and their phony cries that this is a "First Amendment" issue. The grass roots can see through this deception and it will not "play in Peoria."

Some would have us believe that if we de-fund the NEA, art in America will cease to exist. That is rather ridiculous. Figures from 1987 indicate that the arts in America receive about $6.4 billion a year from private contributions. NEA funding is minuscule by comparison. NEA has only been in existence for 25 years, and we had great art of all kinds in the United States before that—some might say we had greater art in pre-NEA years.

Since the National Endowment for the Arts receives its money from the U.S. Treasury as a result of appropriations passed by Congress, the taxpayers will not accept the argument that Congress cannot control what is done with the money it spends. The day of passing the buck is over.

The NEA was born in the mid-1960's, when unregulated handouts to targeted constituencies were the passion of the day. That era is over and examples abound of a new voter sensitivity to unnecessary or controversial spending programs which unbalance the budget and contribute to the pressure to raise taxes.

These examples include the election of George Bush on the antitax slogan "read my lips," the political predicament today of Prime Minister Margaret Thatcher, and the numerous tax and bond-issue referenda in various States and school districts where the voters have turned thumbs down on apparently meritorious proposals.

Having proved its irresponsibility in spending the taxpayers' money, the National Endowment for the Arts should be completely de-funded.

Thank you, Mr. Chairman.

Senator PELL. Thank you very much, Mrs. Schlafly.

Ms. Chastain.

Ms. CHASTAIN. Honorable Senators and Mr. Chairman, thank you for this opportunity. My name is Jane Chastain and I serve on the Board of Directors of Concerned Women for America and I am here to speak on that organization's behalf.

Concerned Women for America recently declared that the next 10 years we "the Decade of Destiny for America's Children." Our 600,000 members nationwide are committed to building a better world for the next generation.

We are outraged and appalled by the National Endowment for the Art's funding of sexually explicit photographs of children that could be prosecuted as illegal child pornography.

The people of Cincinnati tried to say no to Mapplethorpe, and the people of America are now trying to say no to obscene and anti-religious projects funded by this Federal agency.

The NEA, which receives $171 million annually, has proven itself reckless and irresponsible with the hard-earned income of the American taxpayer. Americans have been robbed through the NEA's funding of the "Tongues of Flame," a depiction of Jesus Christ shooting heroin, and the "Alchemy Cabinet," which contains a coat hanger next to the remains of an aborted baby.

The NEA would like to claim "artistic license" to support whatever "art" it deems appropriate. However, no individual artist has a right to demand that the taxpayers subsidize his lewd "artistic" endeavors. It is CWA's contention that the government should not be involved in the funding of art—period.

I host a 3-hour daily radio issue program in the Los Angeles area. On Tuesday, I opened our telephone lines for one hour and I asked our audience to tell me what they would say at this hearing.

Our listeners rarely agree on anything, but on this matter the callers were unanimous. They all said, "Stop funding the NEA."

Now, our national debt now exceeds $3 trillion. While I realize you are all familiar with that figure, I think we should be forced to look it squarely in the eye every time we pick up that bottle of red ink.

The national debt is only one of the extremely serious problems facing our Nation, but a lack of culture and artwork is not one of them.

We have a deadly disease sweeping this country and there is no known cure. We have countless thousands who are homeless. We have an estimated 23 million who have little hope for the future, because they cannot read or write, and countless others caught in a web of substance abuse.

Before we hand over $171 million a year for nonessentials, I think we should look into the eyes of the homeless, the illiterate, the substance abusers, and those dying with AIDS and explain this to them.

I also think we should explain why this Nation would hand over any money, even if we had it, to an agency which gives grants for works that are highly objectionable to a large segment of the American people. Congress last year passed weak language that directed the NEA not to fund obscene art that the agency determines to be without artistic value. According to Chairman Frohnmayer's testimony earlier this spring before the House Education and Labor Committee, CWA believes that the NEA will continue to fund projects that millions of Americans find offensive to their religious an moral values.

Frohnmayer spoke of the purpose of art, like research, being to "push the boundaries" of what is acceptable to help solve society's problems. He was honest about his belief that "pushing the boundaries" includes directly funding homosexual projects and other "artistic works" that many average Americans find appalling.

Clearly, without total de-funding of NEA, Frohnmayer would expect the American taxpayer to continue footing the bill for promoting the agenda that is not only deeply offensive, but also destructive to the traditional, Judeo-Christian values they hold dear.

I ask you, on behalf of over 600,000 taxpayers in Concerned Women for America and their families, my radio audience and those truly in need, to de-fund the National Endowment for the Arts and leave the funding of art to private patrons in the free market.

Thank you.

Senator **Pell**. Thank you both very much indeed.

You mentioned in your testimony, Ms. Chastain, about funding projects that millions of Americans find offensive, and yet in the poll that People for the American Way took, 93 percent of the people said that even when they find a particular piece of art offensive, others have the right to view it. I was wondering how you would square those two viewpoints?

Ms. **Chastain**. Well, I have always found that when you consider any poll, you have to look at how the question was framed and asked. I saw that report, too, Senator Pell, but there was no indication as to how that question was asked. I also feel that if the American people that were polled had been shown pictures of this work, they may have answered quite differently.

Senator PELL. Ms. Schlafly.

Ms. SCHLAFLY. I would think a poll taken by People for the American Way would necessarily be a biased poll, because they interpret the First Amendment as something that you can do anything, whatever you want, even with the taxpayers' money and that anybody who wants any limitations or restrictions is, by definition, a censor. Again, as I heard you read it, you said the people said you should be able to look at anything you want. Well, that is not the issue here. People who want to go look at these offensive pictures can go look at them. The question is are they going to get the taxpayers' money.

We had great art before NEA came into existence and most art was funded by the private sector and there probably are plenty of people who will fund those objectionable pieces, but I do not think the taxpayers should be asked to do it.

Senator PELL. I thank you. The results here, just to read them into the record, 93 percent said that when they find a particular piece of art offensive, "others have the right to view it," and 96 percent agreed that people who have different views as to what is obscene and what is not, 80 percent disagree that nudity in art is usually pornographic, 93 percent say freedom of expression is essential to artists and the arts.

I agree with you that it should not be abused, but our problem is to try to find some way of not throwing out the baby with the bathwater. I recognize, as was pointed out by one of our earlier witnesses at this morning's hearing, that out of more than 80,000 grants, we have had about 15 or 20 lemons and that is not a bad record. I wish it were true in many other fields.

Ms. SCHLAFLY. Senator, I did not hear the NEA apologize or say that it was a mistake. The answer that they have given, when challenged, is it is their right to give it to anybody they want and they do not apologize. They do not say we made a mistake, please forgive us, we will not do it again. I have not heard them say that.

Senator PELL. I am not sure we should be asked for forgiveness in government, either. [Laughter.]

Ms. Chastain.

Ms. CHASTAIN. You mentioned a small number. How many did you say were actually offensive?

Senator PELL. Ninety-three say——

Ms. CHASTAIN. Or were lemons.

Senator PELL. In the quantity, 15 or 20, it depends on who you talk with, were real lemons and about 85,000 individual grants.

Ms. CHASTAIN. First of all, I take exception to that figure, because although there were perhaps a small number—I have seen maybe 23 that were highly objectionable—I think that there were others that I think the vast majority of Americans would have disapproved of.

However, I think you can look at the NEA's ability to hand out the grants and one of the objectionable groups was Artist Space in New York, and one of the objectionable pieces was a bust of Jesus Christ with a crown of thorns on His head, female breasts and eye makeup, where He was depicted as a transvestite.

Ms. Schlafly. May I comment on the poll results that you mentioned? I do not think that they apply to the controversy that is before you at the present time. We are not objecting to most of the things that were raised by those questions. Certainly, it is not our position that any nudity is obscene.

I would suggest that the people who answered those poll questions were not shown the works which have caused the controversy.

Senator Pell. I thank you both very much indeed for being with us. I think this concludes this day's hearing. now it is our task to put together the legislation that we think would be best for the next 5 years.

I thank you both.

The subcommittee is adjourned.

[Whereupon, at 12:59 p.m., the subcommittee was adjourned.]

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